

MINUTES

Aransas County Commissioners Court



9:00 AM – Monday, July 24, 2023

The Aransas County Commissioners Court met on Monday, July 24, 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 was taken and Quorum was declared, and the following proceedings were had and done, to wit:

IV. CITIZENS TO BE HEARD

Adelaide Marlott – Drainage in the Country Club

Shirley Jackson – Drainage in the Country Club

Keith Barrett – spoke about item # 15 when it was presented to the court

V. PRESENTATIONS AND PROCLAMATIONS

None

VI. CONSENT AGENDA

1. Discuss, approve or disapprove the Minutes from the May 30, 2023 Special Meeting – Misty Kimbrough/Judge Garza
2. Discuss, approve or disapprove the Minutes from the June 12, 2023 Budget Workshop Meeting – Misty Kimbrough/Judge Garza
3. Discuss, approve or disapprove the Minutes from the July 10, 2023 Regular Meeting – Misty Kimbrough/Judge Garza
4. Acknowledge and record in the minutes of the Commissioners Court the donation of services valued at \$3,948.60 for May and \$5,704.79 for June from Cat Tales Rescue, Rockport, TX to Aransas County Animal Care, which services include \$1,308.35 for medical (veterinarian and medicine) expenses and \$2,640.25 for spay/neuter expenses for a total of \$3,948.60 for May 2023 and \$3,203.49 medical (veterinarian and medicine) expenses and \$2,501.30 for spay/neuter expenses for a total of \$5,704.79 for June 2023 – Commissioner Rousseau
5. Acknowledge and record in the minutes of Commissioners Court accepting a donation of an Epson flatbed scanner with an approximate value of \$100.00 from the History Center to the Aransas County Historical Commission to assist with digital archiving of historical documents– Doreen Bronner/Judge Garza
6. Acknowledge and accept a memorial donation from the Woman's Club of Aransas County, Inc., in the amount of \$25.00 to the Aransas County Public Library – Iris Sanchez/Judge Garza

7. Acknowledge receipt of, and record in the minutes, a Certificate of Completion acknowledging that County Clerk Misty Kimbrough completed 17 hours of continuing education at the County and District Clerks' Association (CDCAT) Summer Conference – Misty Kimbrough/Judge Garza
8. Acknowledge receipt of, and record in the minutes of the Commissioners Court, a Certificate of Completion acknowledging that Commissioner Bob Dupnik completed 13 hours of educational training through the V.G. Young Institute of County Government at the South Texas County Judge and Commissioners Annual Conference – Commissioner Dupnik
9. Acknowledge receipt of, and record in the minutes of the Commissioners Court, a Certificate of Completion acknowledging that County Judge Ray Garza completed 13 hours of educational training through the V.G. Young Institute of County Government at the South Texas County Judge and Commissioners Annual Conference – Judge Garza

Motion to accept the consent agenda: by Commissioner Dupnik, motion was seconded by Commissioner Rousseau
 Acknowledgements for all donations was read by Judge Garza
Vote: Motion carried 5-0: it was so ordered

VII. COUNTY REPORTS, PROCLAMATIONS, AND RESOLUTIONS

10. Discuss, approve, or disapprove the Rockport-Fulton Chamber of Commerce Report for the 3rd Quarter of 2023 (the Chamber's fiscal year is Oct-Sept. This report is for the County's 2nd Quarter) – Shelly Stuart/Judge Garza

Motion to approve: by Commissioner Casterline, motion was seconded by Commissioner Rousseau
Presented by: Shannon Biggerstaff
 HummberBird Celebration, September 14-17
 Seafair Festival, October 6-8
 Geocache experience – Judge Garza met a family doing this at Memorial Park
 Master Calendar on the Chamber website [Event Calendar | Rockport-Fulton Chamber of Commerce](#)
Vote: Motion carried 5-0: it was so ordered

11. Discuss, approve, or disapprove the 2nd Quarter Report for 2023 for the Friends of the History Center of Aransas County – Pam Stranahan/Judge Garza

Motion to approve: by Commissioner Casterline, motion was seconded by Commissioner Chaney
Presented by: Pam Stranahan
 Exhibits: Ice Age in South Texas, Student Art Celebrates History, and Our Heritage from the Range-Ranching and Farming.
 Special appreciation for the support of Aransas Pathways for maintenance and utilities, and the attention of Rene Butler in keeping up with projects.
Vote: Motion carried 5-0: it was so ordered

12. Discuss, approve, or disapprove the 2nd Quarter Report for the Aransas County Historical Commission – Doreen Bronner/Dave Hattman/Judge Garza

Motion to approve: by Commissioner Dupnik, motion was seconded by Commissioner Rousseau
Presented by: Doreen Bronner
Proposed Aransas County Junior Historian Program – a chartered extracurricular program for 7th graders led by Joe Fox as the educator, this is in the initial stages of planning.
Archiving the Vault – Gifting artifacts to the History Center and the Railroad Depot, continue preservation and cataloging
2 markers approved for – Bracht and Simon Michael
Question – Officers that came in in January all expire in 2024, might be a good idea to stagger terms to continuity.
Vote: Motion carried 5-0: it was so ordered

VIII. COUNTY ROADS AND FLOODPLAIN

13. Discuss, approve, or disapprove a request for variance on County Subdivision regulations on minimum lot size requirements to replat 231 & 235 Paradise Dr. from two lots into one lot – Katherine Comeaux/Judge Garza

Motion to approve: by Commissioner Rousseau, motion was seconded by Commissioner Dupnik
No discussion followed
Vote: Motion carried 5-0: it was so ordered

IX. CONTRACTS AND GRANTS

14. Discuss and consider authorizing County staff to move forward with the Aransas County Aquarium Construction Project – John Strothman/Judge Garza

Motion to approve: by Commissioner Casterline, motion was seconded by Commissioner Chaney
Presented by John Strothman
Citizen to be heard - Keith Barrett – Happy that the Aquarium project is moving forward. Prior to Hurricane Harvey the building was leased from Parks and Wildlife. They wanted to reduce liability and granted a lease to the County. Asking to hold off on starting the construction for 12-18 months so 2 other projects can be finished on the sea wall and walking path. How we line up the projects is important, the parking lot for the Aquarium will be used as a staging area for the other projects. The County has a 30 year lease for the lot and building that is with the Navigation District.
John Strothman – Plans are paid for and we own them. Project site has water, gas, electric and sewer. The next step is how we pay for it.
Commissioner Dupnik – Grant for \$118,000 is there a time limit to use the funds, John answered no
Vote: Motion carried 5-0: it was so ordered

15. Discuss and consider authorizing the use of funds generated through the Aransas County Hotel and Motel Occupancy Tax to fund the Aransas County Aquarium Construction Project – John Strothman/Judge Garza

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

Presented by: John Strothman

Commissioner Rousseau – Usage for Hotel / Motel Tax revenue for counties bordering the Gulf of Mexico that have a population of 50,000 or less, that has at least 1 National Wildlife Refuge, we may use the funds to construct facilities such as aquariums, birding centers, viewing sites, nature centers and trails. This is specifically allowed by state code.

John Strothman – 2016 prior to the Harvey the Aquarium had 37,000 visitors that year. This is an important part of our tourism, the schools came for field trips.

It was the most popular tourist attraction we had, and the admission was free and we plan to keep it that way.

Judge Garza – we have a healthy fund balance and can't use that money to pay for our courthouse or other construction projects, it's a win for us.

Discussion that we believe the funds are sufficient to get this built.

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

16. Discuss, approve, or disapprove the proposal from VG Architects to provide architectural services for a new Aquarium at Rockport Harbor, which services will include estimating cost, permitting, and construction administration for the cost of \$7,200.00 – John Strothman/Judge Garza

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

Discussion followed:

Commissioner Rousseau – 1. Sent this contract to a friend who is an expert with contracts for his opinion, he stated there were many “red flags.” 2. Jennifer O’Steen has not had a chance to read this contract. 3. None refundable. I am in favor of the project, but have concerns about this contract and pricing.

Commissioner Chaney – I believe that the Assistant County Attorney needs to look at all contracts prior to them being on the agenda, as a matter of good practice.

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

17. Discuss, approve, or disapprove formally declining to draw upon, and requesting to close, the account for a Traditional Community Disaster Loan of \$5,000,000.00 for operational expenses due to lost revenue associated with Hurricane Harvey, which loan was granted to Aransas County through the Federal Emergency Management Agency (FEMA) in Loan No. EMT-2019-LF-4332TX14 – Jacky Cockerham/Judge Garza

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

Discussion followed: Commissioner Rousseau – we have a 5 year loan that runs out next year with 3% interest rate, with an option to forgive.

Jacky Cockerham – the option to forgive the loan time has passed

Commissioner Rousseau – we don't know the future with the losses that have happened and waiting on insurances to pay their part. This seems like this would be good to keep for Courthouse expenses. If were to use bonds the interest rate could be higher than 3%.

Jacky Cockerham – the thing to consider is this loan is a 5 year payout. That would be \$1,000,000.00 per year that is ½ of what we pay in our debt service now, this would require about another .02 ¢ tax increase to even make payments on this.

Commissioner Rousseau – if we did certificates of obligation wouldn't that affect our tax rate as well?

Jacky Cockerham – yes it would, but we would have a longer period to pay it off. It would not have as high of a tax increase. The loan does have restrictions on what it can be used for and we cannot use it to build the courthouse. It has to be for operational expenses.

Jennifer O’Steen – it is operational expenses for Hurricane Harvey, so it is even more restricted.

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

18. Discuss, approve, or disapprove continuing the with the County Clerk’s Records Archive Plan, Part 2 Contract with Kofile, for restoration, imaging, and indexing of records with a cost up to the budgeted amount of \$807,874.56, which amount does not include mold remediation – Misty Kimbrough/Judge Garza

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

Presented by Misty Kimbrough, County Clerk

Discussion followed: Commissioner Casterline – what does it take to remediate the mold?

Misty Kimbrough – Kofile Sales Rep. is the only person to see them, he feels like it is not an extensive mold issue. But, if we don’t treat it and then take these records into the new courthouse we are exposing the whole courthouse and all of our other records to mold. We already paid over a million dollars to have a huge amount of records restored, preserved, imaged, indexed and re-booked. We don’t know the cost until they have records in hand. Commissioner Rousseau – we haven’t been able to get the insurance adjuster in to see them yet.

Misty Kimbrough – that is correct. They have not accepted a claim nor sent an adjuster to view the records. We have a plan for \$807,000 to take our next set of documents to do the restoration, preservation, imaging, and indexing. If they do not get them in August 2023, we will lose the set price we have and the pricing has gone up 20%, which would be about \$120,000. We are guessing that the mold remediation won’t be that much, based on what the Kofile Sales Rep. has indicated. I believe it is to our benefit, even though we don’t have an accept claim or an adjuster having viewed our documents, to allow Kofile go ahead and take the records for the “Part 2” be removed and start the next phase of our contract.

Jennifer O’Steen – the contract today does not include mold remediation. Kofile will take the records and look at them and then come back to us with an estimate of cost, there would be another document for review and approval before moving forward with that work.

Commissioner Chaney – explain to the public the volume of records this involves.

Misty Kimbrough – about 400 books of records, including Official Public records that is mostly Deed records but other records as well. Dated from 1859 – 1951. The next set going is mostly Probate records, these records are important because property transfer through Probate and deeds are not always created and filed. This group will also include our Birth, Death and Marriage records. These are historical records for this county, we tasked by law to protect and preserve these records. There are additional records that are not part of this plan that will have to be remediated at some point, before we move them to the new courthouse.

Commissioner Casterline – Jennifer O’Steen, can we do the mold remediation without going to bid?

Jennifer O’Steen – I think we can due to the nature of the situation we can. It could also be treated as a change order. This contract was drafted as an Addendum to the existing contract, it is within the scope of work that was originally contemplated. This is a special type of service. There are very few providers in the State that can tack on a project like that.

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

X. PLANNING AND BUDGET

19. Discuss, approve, or disapprove the June 2023 Treasurer’s Report – Alma Cartwright/Judge Garza

Motion to approve: by Commissioner Casterline, motion was seconded by Commissioner Rousseau
Vote: Motion carried 5-0: it was so ordered

20. Discuss, approve, or disapprove the Treasurer’s Investment Report for 2nd Quarter 2023 – Alma Cartwright/Judge Garza

Motion to approve: by Commissioner Rousseau, motion was seconded by Commissioner Dupnik
Discussion followed: Commissioner Chaney – how do we compare to other counties with our reserves and our interest earned?
Jacky Cockerham – we are very strong in our reserves. It is suggested to have 90 days of reserve, we have over 6 months.
Alma Cartwright – with investments we are doing well, some counties do not invest due to fear. Currently our return is slightly lower than expected but in the past we have exceeded it.
Commissioner Rousseau – I think we do really well, the last 4 quarters were exceptional.
Vote: Motion carried 5-0: it was so ordered

21. Discuss, approve, or disapprove authorizing the County Judge to sign the County Indigent Health Care Program (CIHCO) Optional Health Care Services Notification for Aransas County Indigent Health Care, to provide information about the optional healthcare services that Aransas County chooses to provide for the fiscal year September 1, 2023 through August 21, 2024 – Alma Cartwright/Judge Garza

Motion to approve: by Commissioner Rousseau, motion was seconded by Commissioner Casterline
Presented by: Alma Cartwright and Suryta L
Discussion followed: Question about the date of August 21, 2024, should be August 31, 2024 this is a typo. There are no changes from the previous year. No, we had selected all of the optional services and are asking to continue with those.
Commissioner Rousseau – in light of information brought to us a few months ago about the OPIOD crises, do we have providers for that locally or do we send them to other nearby communities?
Alma Cartwright – we have not had any counseling needed or requested so we are not sure who we would use but there is a councilor here in Rockport, but not sure if they would have an interest in an OPIOD issue, we are not sure.

22. Discuss, approve or disapprove authorizing the Aransas County Indigent Health Care program to change qualification standards from the 21% Federal Poverty Guideline Minimum Income Standard to the 50% Federal Poverty Guideline Minimum Income Standard, based on the 2023 Federal Poverty Guideline – Alma Cartwright/Judge Garza

Motion to Amend and approve: By Commissioner Rousseau to change from 50% to 40% FPG Minimum Income Standard, seconded by Judge Garza
Presented by: Alma Cartwright and Suryta Laqua, we can change the amount within the guidelines of 21% - 50%.
Commissioner Rousseau – 3 of 5 years we used about 50% of budgeted amounts. If we raise this to 50%, concerns of running out of money. So if we use 40% FPG we might get to 100%.
Alma Cartwright – I always want to help as many people as possible. There is money set

aside for this expenditure. We have the option if we were to get close to our fund amount budgeted, I will come before the court to stop/change to keep going. I feel we should spend the money we have budgeted.

Commissioner Rousseau – my concern are who have or need to use these services won't have that option if we run out of money. If we raise it to 40% we are still increasing more of the population having access to these services.

Alma Cartwright – the difference is about \$400 per month. So this is not going to greatly increase our numbers of qualified people. They cannot have over \$2,000, with the exception of their house and vehicle. We denied 5 people in 2023, those would not have qualified even at the 50% FPG. We currently have about 62 clients at this time, not including the inmates.

Commissioner Rousseau – these people generally use services more than 1 time per year it is repetitive?

Alma Cartwright & Suryta Laqua– yes

Commissioner Casterline – if it were raised to 40% or even 50% how many do you think might use the services that might qualify?

Suryta Laqua – I would say 25 – 30 more people could qualify for services

Commissioner Casterline – I don't see why we don't go to the 50% FPG.

Commissioner Dupnik – the money is designated for it. I would like to see it stay at 50% FPG myself. Commissioner Chaney agreed.

Withdraw the Amended motion by Commissioner Rousseau

Motion to approve without amendment: by Commissioner Rousseau, motion was seconded by Commissioner Casterline

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

23. Discuss, approve or disapprove a request for a Temporary Part-Time Employee at the Tax-Assessor-Collector's office to help with the training an employee for the Accounting Specialist position – Anna Marshall/Judge Garza

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

Presented by Anna Marshall, Tax Assessor-Collector

Discussion followed: Commissioner Rousseau – Clarification of understanding, a former employee will come in on a temporary basis to train a current employee who has been promoted into the Accounting Specialist position. The position for the person who was promoted has already been posted.

Anna Marshall – this will not affect my budget as I am below the budgeted amount for this year even with having an extra temporary person for a time.

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

24. Discuss, approve, or disapprove a revised job description for On-Site Sewage Facilities (OSSF) Environmental Investigator, a job posting date, and hiring overlap of position for training purposes before current employee retirement – Elle Moralez/Judge Garza

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

Presented by Elle Moralez – I am asking that this job description get approved so I can post this position now and hopefully hire at the beginning of October.

Tana Taylor – 1.5 employee overlap, but including that for the rest of this year for payroll and as long as there aren't any changes you will still leave about \$4,800 in the budget.

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

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

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

None at this time

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

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

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

Full list in the attachments, but nothing unusual

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

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

- Judge Garza – I sent out invites for the Animal Care Committee and all have accepted. Our first meeting will be in a few weeks
- Jacky Cockerham – Our next Budget Workshop will be next Monday, July 31, 2023

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

There were none

XIII. CLOSED SESSION

27. Consider convening 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. 23-006; 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 –Jennifer O’Steen/Judge Garza

Motion to move into closed session: by Commissioner Rousseau, motion was seconded by Commissioner Casterline

Jennifer O’Steen – in item ii – the case number should be 23-0066

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

Convened into closed session at 10:39 AM

XIV. OPEN SESSION

28. Reconvene into Open Session

Motion to reconvene into open session: by Commissioner Dupnik, motion was seconded by Commissioner Rousseau

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

Convened into open session at 11:09 AM

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

I move we approve: the engagement of Lloyd Gosselink to represent Aransas County in relation to Northstar vs. Aransas County Independent School District and Aransas County, Case No. 23-0066, and authorize Judge Garza to sign the engagement letter, dated July 21, 2023. By Commissioner Rousseau, motion was seconded by Commissioner Dupnik.

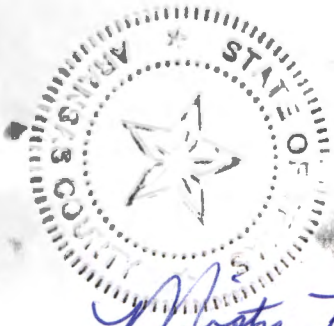
Vote: Motion carried 5-0: it was so ordered

XV. 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 11:10 AM



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

Ray A. Garza, County Judge

