



MINUTES

Aransas County Commissioners Court

9:00 AM – Monday, August 14, 2023

The Aransas County Commissioners Court met on Monday, August 14 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 \(aransascountytx.gov\)](https://www.aransascountytx.gov), then scroll to the bottom of the page and select the date you wish to view.

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

I. CALL TO ORDER & PLEDGES

The meeting convened at 9:00 AM

II. INVOCATION

III. ROLL CALL AND CONFIRMATION OF QUORUM

IV. CITIZENS TO BE HEARD

V. PRESENTATIONS AND PROCLAMATIONS.

1. Presentation from the Texas Association of Counties (TAC) – Risk Management Services (RMS) – Lisa McCaig

Presented by: Lisa McCaig, Employee Benefits; Lorie Floyd, HR; Joe Szewczyk, Risk Control; Darren Jackson, Law Enforcement; Brandon Armstrong, Cybersecurity; Each introduced themselves and spoke to how they could help our county.

VI. CONSENT AGENDA

1. Discuss, approve or disapprove the Minutes from the July 31, 2023 Budget Workshop – Misty Kimbrough/Judge Garza
2. Discuss, approve or disapprove the Minutes from the August 1, 2023 Special Meeting – Misty Kimbrough/Judge Garza
3. Discuss, approve or disapprove the Minutes from the August 1, 2023 Budget Workshop – Misty Kimbrough/Judge Garza
4. Discuss, approve or disapprove the Minutes from the August 7, 2023 Regular Meeting – Misty Kimbrough/Judge Garza

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

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

VII. COUNTY REPORTS, PROCLAMATIONS, AND RESOLUTIONS

5. Discuss, approve, or disapprove the Friends of the Fulton Mansion Report for 2nd Quarter of 2023 – Pam Black/Judge Garza

Motion to approve: by Commissioner Casterline, motion was seconded by Commissioner Chaney
Presented by: Jen McKella, assistant site manager, will bring back October. We will celebrate the Victorian contributions to the spooky season. About ½ of our advertising fund will go to this event the other ½ goes to our Christmas Celebration.
Discussion followed: Last year it was talked about expanding to be a wedding venue. We've had about 100 contracts, we had 1 wedding in 2022, 2 already this year and 3 more booked for 2023.
Vote: Motion carried 5-0: it was so ordered

VIII. COUNTY ROADS AND FLOODPLAIN

6. Discuss, approve, or disapprove authorizing to advertise for bids to purchase a 2000 gallon water truck – David Reid/Judge Garza

Motion to approve: by Commissioner Casterline, motion was seconded by Commissioner Rousseau
Discussion followed: We have the money in the equipment budget, expect to pay about \$100,000, the current truck needs a new engine and the rest is not in good shape. Fleet maintenance suggests that we retire the current truck and purchase a new one.
Vote: Motion carried 5-0: it was so ordered

IX. CONTRACTS AND GRANTS

7. Discuss, approve or disapprove Change Order No. 9 between Aransas County and Teal Construction, which consists of CPR-61 to delete B3574 seat cover and paper dispenser and add B39029, a surface-mounted unit adding an additional \$444.00; CPR-63 to change light fixture for canopy by exchanging the original D2E fixture with a WAC light fixture adding \$303.00; CPR-64 to add transfer air device from Room 207 and 251; CPR-67 to change exterior handrails from powder coated stainless steel to aluminum with clear anodized finish for a credit of \$18,000 [*Tabled 08-07-2023*] – John Strothman/Judge Garza

Motion to approve: by Commissioner Rousseau, motion was seconded by Commissioner Casterline
Judge Garza - Amended amounts that were incorrect in the agenda - \$444.00 should be \$444.40; \$303.00 should be \$303.60
Discussion followed: Commissioner Rousseau – appreciates that those involved are finding ways to reduce costs.
Vote: Motion carried 5-0: it was so ordered

8. Discuss and consider taking action on request of property owners interested in the improvement of Resendez Road, including the possibility of utilizing the procedures set forth in Section 253 of the Transportation Code –David Reid/Judge Garza

This item was struck from the agenda by Judge Garza

X. PLANNING AND BUDGET

9. Discuss, approve, or disapprove the Indigent Health Care expenditures for the Fiscal Year September 1, 2023 to August 31, 2024, based on 8% of Gross Revenue Tax Levy as Calculated by the Aransas County Tax Assessor Collector on State Comptroller Form 50-252 - Alma Cartwright/Judge Garza

Motion to approve: by Commissioner Chaney, motion was seconded by Commissioner Casterline
Alma Cartwright – we have collected \$58,957 more than was budgeted for last year.
Vote: Motion carried 5-0: it was so ordered

10. Discuss, approve or disapprove the Aransas County Commissioners Court taking action in their August 14, 2023, Open Meeting to appoint Glass, Sorenson & McDavid, Inc. (also known as “GSM” or “GSM Insurors”), FEID #74-1950429, 1102 E. Laurel, Rockport, TX 78382, as its insurance agent for all lines of supplemental employee benefits coverage with Colonial Life. In addition, Judge Ray A. Garza, is authorized to communicate this appointment on behalf of the Commissioners Court

Motion to approve: by Commissioner Rousseau, motion was seconded by Commissioner Casterline
Presented by: Blake McDavid with GSM
Discussion followed: Commissioner Rousseau - What policies we offer through Colonial and what is the anticipated commission that we pay for those fees? Blake McDavid – We offer: individual accident, cancer assistance, individual STD, critical illness, individual medical bridge, individual term life, and individual whole life. The commission range is anywhere from 1-10% depending on the carrier. Judge Garza – these are supplemental insurance that is available to our employees if they choose to have it. Commissioner Dupnik – congratulations on being recognized by Congress for 100 years of service.
Vote: Motion carried 5-0: it was so ordered

11. Discuss and accept the Aransas County Annual Financial Report and Single Audit for the Year Ended December 31, 2022, as presented by Belt Harris and Pechacek LLLP, Certified Public Accountants – Jacky Cockerham/Judge Garza

Presentation by: Darla Dear with Belt, Harris, Pechacek, LLC Certified Public Accountants firm that focuses in governmental accounting.
The highpoints from the audit: Page 5 – Opinion Page – We received an “unmodified opinion” this is the highest level of assurance you can receive. Page 28 & 29 – revenues and expenditures. Leaving us with a Fund Balance of \$6,586,547. A minimum expected fund balance should be 25%, our fund balance is at about 34% we are a healthy mark. Page 72 & 73 actual expenditures – we have a positive variance that means we came in under budgeted expenditures. Page 69 – Restatement this is working with the prior year’s audit that was done by another firm. “Deferred inflows – advance tax collection” there was a \$9,553,406 correction. This was recognized as revenue in the prior year but we moved it out to correct it. Page 21-23 is the full accrual those are net capital assets, long term debt, advance tax collections. Our fiscal year is Oct. 1 – Sept. 30 each year. Our tax collections start in Oct. so the monies collected from Oct-Dec is not for the current year, it is then moved to the following year as the “advance tax collection”.
Discussion followed: Commissioner Chaney – are we in good shape? D. Dear –

everything looks good, we recommended and helped make some changes with grants with receivables and payables. Commissioner Chaney – how will the insurance money that we should be receiving affect the audit? D. Dear - Those proceeds will be recognized as proceeds in the year you receive them. Commissioner Rousseau – about the required auditor disclosure. Statement made about absent and complete information. D. Dear – moving the prior year audit and move it forward as a starting place for reconciliation from the prior year and make a few adjustments to have them the way we would have done it, this process is part of the reason for this audit being delayed. Commissioner Rousseau – # 3 please explain. D. Dear – our year end date is 12.31 but the payroll period did not end on 12.31, so an adjustment is done for the expenses for the number of days that were not in that fiscal year. Commissioner Rousseau - # 5 – To adjust the pension balances as of fiscal year end? D. Dear - These are standard adjustments, these come from TCDRS GASB statement from their web site and are accrual amounts. Then we make adjustments in reference to the prior year compared to current year. Commissioner Rousseau - # 9– To unpost/post receivables, the City of Rockport LEC is this for the Law Enforcement Center? There are 2 separate ones. D. Dear – this is receivables that the county should have been given credit. If received in 2023 but was for 2022 that would have been an adjustment. Commissioner Rousseau - # 33 – To establish a debt service reporting fund to recognize accounts receivable, deferrals, and allowance for uncollectible. D. Dear - Again just reconciling to reflect the correct year. Commissioner Rousseau - # 40 – To restate recognized prior year grant accruals (receivables) and to reverse those receivables in the current year, in reference to the EDC -Workforce Development Center? D. Dear – booking the receivable that came in after year end.

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

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

12. Discuss, approve or disapprove Budget Amendment #2023-1 to the 2023 Annual Budget. Requesting to use \$11,000 out of Fund Balance to purchase shade structure for the Transfer Station Mechanic due to the excessive summer heat, and radio equipment (2 Walkie/Talkies) to improve communication among staff and reduce safety risks at the Transfer Station Property – Jacky Cockerham/Judge Garza

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

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

13. Discuss and propose a 2023 Tax Rate of \$0.365800/\$100. The Tax Rate Proposed is General Fund M&O of \$0.276923/\$100 and General Fund Debt Rate of \$0.039815/\$100. The Road and Bridge Proposed Tax Rate is \$.042572/\$100 and a Flood Control Debt Rate of \$0.00649/\$100 and schedule Public Hearing for Tuesday, September 5, 2023, at 9:00 a.m. – Jacky Cockerham/Judge Garza

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

Discussion followed: Citizen to be heard – Kristie Rutledge – Surprised and concerned about going up with 3 years of increments and the way I view it 1 of those should fall off if it is really a 3 year look back. I thought you had commitment to a

conservative budget and to help keep people in their homes. Appraisals are through the roof. All of this is coming on the backs of existing homeowners. There has been discussion that this tax rate calculation worksheet is not the final numbers that they are not certified and I would like that confirmed. This calculation worksheet is dated 7-31-23. If these are not certified tax rate numbers yours may go up in revenue. I was surprised to see a 4.8 ¢ tax increment included in this budget. I did not see a lot of effort in reducing, what would keep that tax rate high. I'm concerned that we don't have complete information as well. I going to ask my Commissioner to do and you County Judge is to schedule a special meeting where detail will be provided with updated tax numbers with updated tax roll numbers that are due out August 24, and that the detail budget will be presented again so that we can have full transparency about what's going into this tax rate. That a really big ask. Talking about keeping people in their home, the tax rate drives what we are forced to pay. My appraisal is up 84%. This is how you tax people out, a maximum appraisal and tax rate. I know you have make a decision today because of timelines but you can come back and re-adjust this down. You should and you must. Thank you.

Anna Marshall – these numbers are certified, it is a certified estimate, we do not calculate again. The numbers in the reports do include those outstanding protests and are in the worksheets. By the Tax Code Law we have to calculate our numbers by August 7th. That is done with a certified estimate or certified numbers, whichever we have. Commissioner Rousseau – when you say the certified estimate does include the outstanding protests, is this at their current level? Anna Marshall – we use the lowest estimated numbers of what that appraisal might be reduced to after the appeal. This is the process we use every year. In the worksheets provided there is an outstanding disputed area.

Judge Garza – Last year we pulled \$1,500,000 out of our fund balance. This year's budget was budgeted to pull \$3,000,000 out of our fund balance. I did not know that until I took office and I immediately called the department heads and asked them to save 10% their budgets, most are doing well. This year when we started budget talks, we have to put in the burdens of salaries, retirement, and medical. The department heads did pretty well on requesting needs and not wants. I think this is a pretty conservative budget and we have cut out a few more things. But at the beginning of our budget talks with the zero-based budget we were at a \$4,500,000 deficit. If we go to no new revenue we will take our fund balance below \$2,000,000 and that is irresponsible. This is a catch up year. I have to propose the voter approved rate using all of the unused increments. It's not because we are going to lose them, it's because I don't want to send the county into bankruptcy. Even using the voter approval unused increments we are still about \$800,000 in the hole. Commissioner Rousseau – I would still like to see an adjustment, I hate to see us go to the very highest rate we can use. I've been looking at this and thinking about since we talked about it last week. I understand and appreciate the fact that we do not want to be bankrupt. I appreciate that Ms. Rutledge brought the information that there was 1 year that we did not have any increments. I would like to go with last year's tax rate. It's not a large savings, but it's something. And with the increases in appraisals and that is why there are so many protests outstanding. I would like to see us reduce it to last year's rate.

Judge Garza – I'm fine with that but it's something we will have to make up next year. Commissioner Chaney – If you look at the inflation rate over the last few years, we were barley getting by. This is not an unusually high rate. We've worked hard keeping the rate down, we've made some errors. I think it is a fair rate and I would

not entertain going above or below what the Judge proposed. Commissioner Casterline – this is a proposed rate and we will still have the ability to go down. Jacky Cockerham – we can always go down we just cannot go up. Judge Garza – if we go with last year’s rate will be pulling out of the fund balance of approximately \$1,100,000.

Vote: Motion carried 4-1: Commissioner Rousseau voted no; it was so ordered

14. Discuss and receive information from the public concerning any budget issues for the 2024 Budget Year and schedule the 2024 Budget Public Hearing for August 21, 2023, at 8:45 a.m.– Jacky Cockerham/Judge Garza

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

Corrections by Jacky Cockerham: it should say SEPTEMBER 5, 2023, immediately following the tax rate public hearing.

Amended motion: To show that the 2024 budget public hearing for September 5, 2023 immediately following the public hearing on the tax rate. By Commissioner Rousseau, motion seconded by Commissioner Chaney

Citizen to be heard – Kristi Rutledge – I don’t know how I’m supposed to give information if I don’t have it. The information provided is summaries of the funds. There is no information that I confirmed with my Commissioner that was given to the public regarding your detailed budget line items. I would like to request from whomever should give it to me the entire budget. With the City I am able to download their budget year to date. All are available back to 2010, this gives the public opportunity to have input. I have been doing this for 3 years and have been able to save money, because it is those line items that builds the budget and that build the tax rate. This is a direct effect on the citizens and I cannot give input on this and how do I know real budget cuts have been made? David Reid made the most sense when he talked about how to treat the employees based on merit to keep the good ones. A cost of living across the board sets the idea that you really don’t have to perform. Heard the County Treasurer that she feels like there are discrepancies and in the salary structures and that needs to be corrected. I’m sure a large part of the budget is based on salaries. I appreciate the employees and I recognize the need to pay employees. I hear that you want to keep the fund balance up, it’s at \$6,000,000 and that’s a nice amount and you are doing fine. We made it through Harvey and we’ll make it through whatever comes our way. There are line items that are way under spent or not spent at all. Someone for the outside looking in can give you an outside view, a taxpayer view. You are taxing me on unspent money and that’s how you are building your reserves. If you need to build reserves put a line item in for that. Let’s not build or maintain reserves by saying let’s budget at the highest even leaving unspent items and then try to save and be conservative throughout the year. You are taxing us on things you do not intend to spend throughout the year. Judge Garza – saving 10% is not for revenue, the budget was set to pull \$3,000,000 from the fund balance so we are trying to reduce that.

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

15. Discuss, approve or disapprove the July 2023 Auditor’s Monthly Report – Jacky Cockerham/Judge Garza

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

16. 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
Vote: Motion carried 5-0: it was so ordered

17. 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
Jacky Cockerham pointed out some expenditures
Fund 430, 431 & 435
Reimbursement funds from grant agencies
 Returning \$592.81 to TDEM for monies that were not used
 Harvey projects – Mott McDonald/Cedar Bayou Project \$5,818.50
 PGAL Courthouse work - \$1,636.11
 Mott McDonald – Little Bay feasibility study \$3,942.00
 GLO street project – Mott McDonald \$49,718.04
 KC Lease - \$191,900.00
 New Stout \$313,532.87
 DLF-Community Building - \$180,281.78
 EDA – Workforce Building – Tazador for appraisal \$3,950.00
 ARPA-Fire suppression for the jail and the new courthouse \$8,720.85
 Drainage pipe for Copano Heights - \$27,837.87
 Courthouse and Downtown Anchor
 Broadus \$14,615.70
 Teal Construction \$603,156.19
There are various investments, as well as our 2nd interest payment on all of our debt service and our venue tax that we pay the principal and interest that we pay
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 – we have hired a new HR Director, starts on August 28, 2023

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

Mike Geer

Hurricane – met with the City of Fulton, Mike Geer & Jim with Texas Division of Emergency Management were speakers, Commissioner Dupnik was there. It was the Community Watch Group, and the National Weather Service was there. National

Weather Service said there were a lot of factors that are going to keep hurricanes to a minimum this year in the Atlantic. The wind shear and the Saharan dust is playing a role. Airport – October 14th we are still planning to have Jim “Jet” Nielson try to break a world record, on a side note there is also a solar eclipse that day. We expect between 3-4 thousand people. Law Enforcement are volunteering to help direct traffic. He is still waiting on Mr. Nielson’s safety plan so he can give it his recommendation and come back here to say that he feels it is safe to proceed. Mr. Nielson follows the International Council for Air Shows and they have requirements for things that he is doing and we will follow that. We haven’t seen any marketing yet but he’ll follow up on that. Memorial Day Fly-in – report – about 3 thousand came and that led to about 11,000 hotel nights. Many day trippers as well. One of the organizers for that event has had to step back due to his schedule. We will come back with more accurate data along with a request for the 2024 Hotel Occupancy Tax Budget to fund the 2024 Air Show. The one scheduled for December the City of Rockport gave us \$25,000 for it and we are hoping to turn that into \$35,000-\$40,000 and make it a big educational Expo. Aviation education and hopefully a scholarship to benefit a local student or multiple students.

XIII. CLOSED SESSION

18. 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:

- i. *Aransas County Texas v. Endurance American Specialty Insurance Company, et al*, Aransas County District Court Cause No. 23-0021; and
- ii. *Northstar Recovery Service, Inc. v. Aransas County Independent School District and Aransas County*, Aransas County, District Court Cause No. 23-0066 consolidated with *Northstar Recovery Services, Inc. v. HR&R, LLC, et al*, Aransas County District Court Cause No. 20-0159; and
- iii. *Aransas County v. Kathleen Hicks, in her official capacity as Director of the Regional Pool Alliance*, Aransas County District Court Cause No. 23-0069.

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

NO need to go into closed session

XIV. OPEN SESSION

19. Reconvene into Open Session

Did not go into closed session

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

Did not go into closed session

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 10:16 AM

ARANSAS COUNTY COMMISSIONERS' COURT



Misty Kimbrough

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

Ray A. Garza

Ray A. Garza, County Judge

