



MINUTES

Aransas County Commissioners Court

9:00 AM – Monday, August 28, 2023

The Aransas County Commissioners Court met on Monday, August 28, 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 AND CONFIRMATION OF QUORUM

IV. CITIZENS TO BE HEARD

Ms. Rutledge came in after the meeting started and turned in a form to speak on items 10 & 15.

V. PRESENTATIONS AND PROCLAMATIONS

1. None

VI. CONSENT AGENDA

2. Discuss, approve or disapprove the Minutes from the August 14, 2023 Regular Meeting - Misty Kimbrough/Judge Garza
3. Discuss, approve or disapprove the Minutes from the August 21, 2023 Regular Meeting- Misty Kimbrough/Judge Garza
4. Acknowledge and accept a Donation of \$1053.00 from the Lamar Women's Club for Aransas County Animal Care – Lori Cesar/Judge Garza
5. Acknowledge receipt of, and record in the minutes of the Commissioners Court, a Certificate of Completion for Emily Guerrero from the Texas A&M Engineering Extension Service for completing the National Fire Prevention Association (NFPA) 1035 Public Information Officer Course – Emily Guerrero/Judge Garza
6. Acknowledge and accept a Donation of \$500.00 from an Anonymous Citizen for Aransas County Animal Care – Lori Cesar/Judge Garza
7. Acknowledge and accept a Donation of \$1,000.00 from an Anonymous Citizen for Aransas County Animal Care – Lori Cesar/Judge Garza

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

VII. COUNTY REPORTS, PROCLAMATIONS, AND RESOLUTIONS

8. Discuss, approve or disapprove Order O-18-2023, an Order calling a Special Election to be held November 7, 2023 for the purpose of adopting or rejecting the proposed

Constitutional Amendments as submitted by the 88th Legislature, Regular Session, of the State of Texas and the 88th Legislature, Second Special Session, of the State of Texas, and providing Notice of the Election – Kevin Stroud/Judge Garza

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

Presented by Kevin Stroud

Discussion followed: 14 statewide propositions to amend our State Constitution, Proposition # 4 may bring a large crowd, this bring changes to school board taxes. These will be posted on the Aransas County Elections website later today.

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

VIII. COUNTY ROADS AND FLOODPLAIN

9. Discuss, approve with or without conditions, or disapprove request for a variance from the requirements set forth in Aransas County Floodplain Management Order, No. O-23-2019, Article 4, Section F, Subsection 1(a), to allow fill and slab-on-grade construction at 1515 Cape Valero Drive – Katherine Comeaux/Judge Garza

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

Presented by Katherine Comeaux

Discussion followed: The home owners are informed about different types of foundations, because of the layout of Cape Valero and the flood plain maps and where the limit to moderate wave action is, I would like to the commissioners to consider an amendment to the order that in future would allow the homeowners to make the decision without the variance request not to build lower just to use structural fill and build on a grade foundation. The flood insurance rate maps set our regulations and Cape Valero has the limit to moderate wave action. It will be 18” above the flood plain elevation.

Commissioner Rousseau: Would there be any liability to the County if we grant this, should there be damage at a later date? We could add a condition in the order to have an understanding that the variance does come with that potential risk.

Jennifer O’Steen: The potential that we would have liability is slim but we could ask the property owner to acknowledge the risk and wave any liability.

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

IX. CONTRACTS AND GRANTS

10. Discuss and consider taking action to request that the County’s Economic Development Administration Contract No. 08-01-05487 related to the Workforce Development Center located at 2000 HWY 35 N, Rockport, TX, 78382, be transferred to Del Mar College – Judge Garza

Motion to approve: by Commissioner Dupnik

Jennifer O’Steen: The motion stated taking action, which action would you like to take? Commissioner Dupnik stated to approve the transfer, motion was seconded by Commissioner Chaney

Discussion followed: Citizen-Kristie Rutledge – I feel that Del Mar is using this to force Aransas County into a Taxing District. Nueces County for \$351,000 property taxes for Del Mar is 26.6¢ or \$700 a year. I studied the grant for Del Mar the

Workforce Development Training Center and looked into what offerings there are currently. Looking at the cost to the tax payer with the question of, is this something that we need? I feel this grant was put together by Long-Term Recovery just to get the grant. Once they got the grant they changed it. The budget provided by Del Mar is not realistic. The proposed tuition is also not realistic. There is no money to renovate in the budget and no class list to generate the needed revenue. I request that you go back to the EDA to change the scope of this project. If Del Mar wants to go to the High School then let them do that, we already own and pay taxes on those facilities. We do need medical offices, not a hospital, we do need Amistad here. There are medical funds available to help with this need. You have a property that you are stuck with and you know you can't afford it. Do something else with it. We don't need a Jr. College, the average age here is around 55. You need Del Mar to provide real costs, real revenues, and real classes. You have a responsibility to protect us. Thank you.

Judge Garza – had a meeting with Lanora Keys and Del Mar is still interested. The Regents have a meeting on 9-12-23 and if we vote today to transfer the grant they will vote on it on the 12th, and the feeling is they will accept it. It is not a done deal we have not met with any Regents.

Commissioner Rousseau – as Ms. Rutledge said Amistad was very interested in that property and coming over here and setting up a federally qualified health center. Is there some way that the EDA grant could be transferred to Amistad.

Jennifer O'Steen – we have already amended this project and the timeline is ticking down. Reasonable options: 1. to transfer the building and all of the grants to Del Mar to continue with this project for the Workforce Development Center. 2. Ask EDA for promotion to liquidate the assets and repay our grant funds that we have received to the EDA. This not a very good option for us for various reasons. Backing out of a grant this far into the process does not look good on us for future grant applications.

Karen with GrantWorks – 1st we would have to go back and ask if it is even a possibility and that will take some time. Also, that is not what we applied for. The relationship with Amistad was not the competitive basis that the application was submitted. I don't know what the EDA's response would be but it is something to take into consideration. You won the grant with the idea of the Workforce Center idea. Deadlines for using the grant funds are: If terminating the grant for convenience it must be done by August 2025. If the grant proceeds the grant holder must complete all objectives by August 2026.

Jennifer O'Steen – if we transfer the grant to Del Mar the Del Mar would be responsible for ensuring that the program is up and running by August of 2026. And Aransas County will have no obligations with regard to the grant and ensuring that the requirements are met if the entire grant is transferred?

Karen – That is correct. The county would be out of it.

Judge Garza – If we liquidate it and there is a profit, do we keep it? That has to be returned to the EDA.

Commissioner Rousseau – If we ask the EDA to approve that building for another use

what would you anticipate the turnaround time to be?

Karen – if the answer is no it would probably be pretty fast. The EDA is paying attention to this grant so I would anticipate an answer in a week or two.

Jennifer O'Steen – Karen would recommend that ask for a revision and if so how have you seen that process play out when the outcome is different than what we put on our application?

Karen – I don't have any experience asking for revisions to the EDA grant. Especially not one of that magnitude. With the federally competitive grants that we manage the scoring is based on what was originally proposed. It is never easy or welcomed to change the fundamental basis of an application for a competitive program. I'm not saying it's impossible but you have to have an argument that you cannot complete it as proposed. Not that you just want to do something else.

Commissioner Chaney – over the last few years we have had several medical companies talk about coming in here. All of them including Amistad wanted a subsidy for coming in here. Most wanted the healthcare sales tax money plus more.

Jacky Cockerham – The understanding with Amistad was that we would be the landlord and they would want the building renovated to their needs, it would still remain our responsibility.

Judge Garza – what is the insurance cost on that building?

Jacky Cockerham – It was about \$30,000 but we reduced the value, as it was overvalued and I don't know what it is off the top of my head.

Judge Garza – If we don't transfer it we will have to add that to our budget. As long as we hold it, there are reoccurring costs of maintenance, insurance, and vandalism. Since I took office I wanted the county to get out of this. Letting Del Mar take over this project is getting it out of our hands. As far as becoming a taxing entity people could and bring this to a vote. A building is not needed to make that happen and I'm sure there would be opposition to it. I don't think they would go somewhere they are not wanted.

Jennifer O'Steen – Any vote for the Taxing District would have to be voter driven. Del Mar cannot be involved in the election or act as a proponent of such a measure. It would have to be driven by Aransas County residents for that to happen.

Commissioner Dupnik – There is more value in giving opportunity for education for our citizens. The Workforce Center brings possibilities, not every kid needs or wants to go to college and this is an opportunity for them. The value the Center could bring outweighs our concerns about when/if Del Mar might create a Taxing District.

Commissioner Chaney – I'm ready to call for the question.

Commissioner Rousseau – I have a concern if this is passed because of the comment at another Workshop/Discussion that we might need to look at repaying those who made pledges and donations. I want to be absolutely sure we are not putting the County on the line for about a \$250,000 in potential repayments. If we are giving it to Del Mar to see the project through to completion then we have not reneged on the proposal under which those donations and pledges were made.

Commissioner Casterline – to Jacky Cockerham – do we still have those funds in hand?

Jacky Cockerham – Most of the funds were used for the match when we purchased the building. Karen has worked up the numbers and we've got about \$100,000 left.

That would be transferred over to Del Mar if the transfer goes through.

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

11. Discuss, approve or disapprove Resolution No. R-23-2023, a Resolution of the Aransas County Commissioners Court Authorizing County Staff to Complete and Submit an Application to the Juvenile Justice & Truancy Prevention Grant Program to the Office of the Governor and Designating the County Judge as the County's Authorized Official for this Grant– Judge McGinnis/Judge Garza

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

Presented by Judge McGinnis and Lara Rios

Discussion followed: Commissioner Rousseau – have we done this before and if so what was our outcome? We have not done this before. Comm. Rousseau – question about the date to submit and certify an application? Jennifer O'Steen – Information was received directly from COG and there seems to be an error on the grant announcement itself.

Commissioner Dupnik – on the heading of the paperwork it does say 2024.

Judge McGinnis – this will be for the LCDC (Licensed Chemical Dependency Counselor)

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

12. Discuss, approve or disapprove Authorizing County Judge to submit to the Texas Department of Information Resources the required electronic document to certify Aransas County's compliance with Texas Government Code 2054.5191; which mandates that County personnel complete an annual State Certified Cyber Security Training course – Collin Jackson/Judge Garza

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

IT Director, Collin Jackson submitted the list certifying that Aransas County meets the State requirement.

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

13. Discuss, the Gate Access Agreement between Aransas County and Anther Chance RFT dated July 26, 2021 and the Ground Lease Agreement between Aransas County and Another Change RFT dated June 14, 2021, related to the County's Animal Care Facility located at 872 Airport Road – Commissioner Dupnik

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

Discussion followed:

Commissioner Dupnik – I asked this to be on the agenda. Members of the community have contacted me over the last few months concerning our agreement with Another Chance RFT and about the conditions at the shelter. I question the formal contract agreement as well. It's important that the citizens have an understanding concerning that relationship as it affects our budget. We have added to our budget to help with the situation over there. I respect and appreciate their efforts, leadership and all of the volunteer work they put in. I concerned this may lead to a

conflict in the future as there are 2 different missions. Another Chance's goal is to be a no kill shelter that is admirable and is workable. The County has a duty to protect the public from dangerous and unrestrained animals as well as strays until a resolution can be reached. This can place an additional burden on County taxpayers and needs to be considered. We need an agreement where Another Chance can be a no-kill shelter and the County could fulfill our duties and not have a cross. As the number of animals in the shelter increase we have more upkeep and personnel, the new position added is a result of this. How big can a shelter get? How much can the county put into it to keep it functioning the way it needs to be done? I think an agreement can be reached that meets the needs of both parties. Questions about the agreement.

Jennifer O'Steen – a short summary of the agreement with Another Chance RFT – *see attachment*

Commissioner Dupnik – Does Cattails fit under the umbrella of Another Chance?

Jennifer O'Steen – Cattails is not in any way associated with Another Chance. They are 2 separate not-for-profit entities.

Commissioner Dupnik – do we have an agreement with Cattails? We do not. The contract mentions a 10x10 building but they actually go into our main facility, correct?

Lori Ceasar – I believe the agreement is that there has to be a County employee on-site to enter. Except for walking of the heartworm dogs, that is where the gate access came in, so they could walk the dogs.

Commissioner Dupnik – what can of safety protocols are in place for them entering after hours? Are there kennel techs there?

Lori Ceasar – I don't have the staffing available for the heartworm house.

Jennifer O'Steen – we need to be more specific, the property includes the fenced in area and the Animal Care Facility, the building itself. Commissioner Dupnik was asking anytime Another Chance was in those areas was a tech available and the answer is no. If no staffing is in the Animal Care Building then Another Chance does have permission under these agreements to present within the fenced area and its own 10x10 building, without staff present.

Commissioner Dupnik – do all of the volunteers sign an agreement as the contract states?

Lori Ceasar – No, volunteers not associated with Another Chance have filled out the applications.

Commissioner Chaney – are security cameras out there? Yes

Commissioner Dupnik – Citizens contacted about the donations on the consent agenda from Another Chance– the donations listed are to take care of the animals Another Chance are caring for or are the used for the County also?

Lori Ceasar – it is convoluted, maybe it's the foster program, I don't know. Poop bags are on there and I don't know where that fits in. Those are supplies, shots, and surgeries that Another Chance provides to animals that would either be at the Animal Control Facility or have been there but are currently in foster services.

Commissioner Casterline – that seems a bit deceptive that it's going to care for foster

Dogs and not really to the shelter.

Commissioner Rousseau – we will ask they come to the next court to speak to this.

Commissioner Dupnik – had some almost issues with the shelter being full, what are the protocols in place for the Animal Control Officers when animals need to be taken back to the shelter/

Lori Ceasar – we pick up as best we can and juggle for space. There are some dogs that I'm not sure should be re-homed. They take space, so we double up and move around.

Commissioner Casterline – if we have animals that we don't believe should be re-homed, what keeps them from being put down in a reasonable length of time?

Lori Ceasar – the issue is the pressure for no-kill. I am met with resistance.

Commissioner Chaney – the court is who you work for.

Lori Ceasar – there needs to be clear boundaries between the non-profit and the County.

Commissioner Casterline – I think we need review the policies. Other agreed.

Especially with the time limit and those that you don't believe that should be re-homed due to a safety issue. Isn't the time limit currently 6 months? Yes. That seems like a long time. Others agreed.

Judge Garza – we are currently reviewing the policies and they will be presented in Commissioners Court.

Commissioner Dupnik – to Lori Ceasar, I thank you for what you are doing and the mission of Another Chance is noble but by the same token I want to make sure as the County we fulfill our duties and responsibilities.

Commissioner Rousseau – recently met with a man who recently moved to the area who with the Kennel Club of America, who stated he offered to help with adoptions and with rewriting our ordinances. He recently work on pieces of legislation for Representative Hunter's Office. We need to get with Mr. Hupp and to see if he can help clear up this issue.

Commissioner Casterline – We need to have some that have an open mind, I hate to say it but the current committee is lopsided to a no-kill orientation.

Lori Ceasar – no-kill is a myth. Choices have to be made.

Jacky Cockerham – Lori visited with me about some issues with some of the adopted dogs

Lori Ceasar – A foster to adopt dog bit the new owner and had to be put down.

Commissioner Rousseau – I didn't know about this until right now. I have not noticed that you are reluctant to have a strong opinion and voice. If the protocol, procedures, and ordinance calls for a dog to be put down then the dog needs to be put down. If there is pushback about that decision you report to the Judge and I don't think he would tell you not to call him if you felt you need him. The fact that his happened is unfortunate. You are the director and have the option to make that call.

X. PLANNING AND BUDGET

14. Discuss, approve or disapprove the July 2023 Treasurer's Report – Alma Cartwright/Judge Garza

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

Presented by Patricia Randall

Discussion followed: Commissioner Rousseau – Fund name and number we have a Cedar Bayou Restoration that has a zero balance and we have a Waterway Restoration that has \$3,300,000 plus balance, why do we have those 2 accounts.

Jacky Cockerham – I can answer that. The Cedar Bayou is an old account that we do not use anymore, everything goes under the Waterway Restoration that is the Go MESA funds as well as a \$250,000 transfer from Hotel Motel Funds for all of our beach and waterways.

Commissioner Rousseau – what waterways have we?

Jacky Cockerham – Cedar Bayou, the red beds studies, some for grant matches. Also at Pete’s Bend, Shoreline Restoration Grants,

John Strothman – they are used for matches and contribution to Parks and Wildlife grants, Newcomb Point Project.

Commissioner Rousseau – the Go MESA funds are in the Waterway Restoration Funds?

Jacky Cockerham - Yes

Vote: Motion carried 4-0: it was so ordered, *Commissioner Chaney was out of the room.*

15. Discuss and receive information from the public concerning any budget issues for the 2024 Budget Year – Jacky Cockerham/Judge Garza

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

Discussion followed:

Jacky Cockerham-changes since 8-21-23 to the proposed budget – will be voted on the 9-11-23

- Reduced the Tax Rate to last year’s rate .35841 per 100 in valuation
- Reduced Emergency Management travel and meals by \$1,000
- Reduced 2 non-departmental line items that add up to \$16,100
- Increased the Auditing services due to cost increase
- Reduced the contingency fund by \$25,000 making it \$75,000, this will cover the cost to move to the new Courthouse.
- Reduced the IT budget, Miscellaneous, and Professional Services
- Reduced the District Court’s budget for attorney’s fees as some are reimbursed by a grant that we receive about \$30,000 a year
- Reduced the HR Directors salary to what it actually is
- Increased Facilities \$100,000 for insurance for the new Courthouse and Community Building, and \$18,000 for utilities, we know it’s going to be more than that but we have a little surplus
- Transferred Admin. Costs from Hotel/Motel and Venue funds of \$40,000 from each into the General Fund
- We have \$240,000 in the General Fund for a transfer to the Airport for the match for a \$2,400,000 grant for runway lighting

- Child safety fee that offsets the cost for the officers working at the schools, this is from the \$1.50 on the car registration monies has been in the fund and we are proposing to transfer it into the General Fund to offset the officers costs, this will be done annually, we currently have about \$100,000 because we haven't used it in about 3 years.
- The Elections contract fund from ISD when we do elections for them they pay us a portion of the cost of holding the election. Those funds have been held and there are some expenses that need to come out of there and Kevin Stroud has agreed to take \$112,000 this one time transfer to the General Fund
- Transferring \$1,500,000 out of Indigent Assistance back into the Health Care Sales Tax Fund, we only use the money if it's an indigent and we have that fully funded every year. This is a surplus that has been built up. In Health Care Sales Tax we have more flexibility with how we can use the funds.
- This does still include a COLA of 2%, and reflects if the elected officials elected to receive or not receive the COLA &/or longevity pay.
- With Indigent Care we are required to use 8% of our levy
- We do not use Property Tax money for indigent care, we use the Health Care Sales Tax

Citizen to be heard: Kristie Rutledge – I'm glad to hear you've increased your revenues in some areas and made some cuts in some areas. When I made recommendations to regarding areas to cut the budget with unspent line items I did so based on 6 months and the budget is now at 7 months, so I believe that what I gave you is less than what can be cut. It's serious when you are talking about a 27% increase in taxes on your homestead. I would encourage another look at sales & property tax because the Assessor should have a better idea of what the real number is going to be. I would like to see an increase on your line item for property tax and sales tax is trending to break even. HOT funds there is opportunities with venue at the airport you have air shows, you are funding for advertisement and this is a County owned facility. This is an opportunity to move some funds around. Sheriff's budget, capital improvement budget for everything to break every year. Why don't we move some of this year's reserve to them so they don't have to budget that every year? \$60,000 in many years and not spent. We don't need to get taxed every year for that. Not defund but stop over taxing. Building and maintenance that is \$72,000 proposed for \$50,000 next year but have only spent \$800.

Jacky Cockerham – we did zero out our sales tax and increased that revenue. I don't think we can increase it if you look at the trends, they are leveling off, and running 2-3% behind what was anticipated for this year.

Commissioner: Dupnik – Could the Sheriff speak towards the comments about his budget?

Judge Garza – About a month into office I realized that we are in a \$3,000,000 deficit. I asked department heads and elected officials to try and save 10% of the budgets. This may represent some of those unspent items.

Sheriff Mills – Speaking to some of the items stated:

- \$60,000 for equipment requested through the court last year to purchase the automated ticket writers. To improve our processes and data collection. We

could not get a contract resolved with Odyssey/Tyler Technologies that would satisfy needs and protection. That went back to the General Fund, we are trying again this year.

- Vehicles are a 3 year plan that we are in year 2. We are trying to replace 6 per year.
- Building Maintenance is overseen by Rene Butler Facilities Director.
- We don't budget for everything to break every year, but if you look at vehicle repairs that will be about \$40,000 this year, purchasing new vehicles that need less repairs is better in the long run.

Commissioner Rousseau – I would like to propose that we have NO COLAs in 2024, every time we grant a COLA it changes the salary base when we hire new employees. I would like to do away with the COLA and grant the option for a 1 step increase where it is deserved next year.

16. Discuss, Approve or Disapprove Scheduling the 2023 Tax Rate Public Hearings for Tuesday, September 5, 2023 and Monday, September 11, 2023 at 9:00 a.m.; and the 2024 Budget Public Hearings for Tuesday, September 5, 2023 and Monday, September 11, 2023 at 9:00 a.m. or immediately following the 2023 Tax Rate Public Hearing on each date – Jacky Cockerham/Anna Marshall/Judge Garza

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

Discussion followed: Jacky Cockerham – Required to have only 1 public hearing for both the Tax Rate and the Budget, those are scheduled for 9-5-23. The statute states we “SHALL” adopt the budget at the end of the public hearing. 9-5-23 is a hearing not a meeting so Jennifer O’Steen recommended that we have a 2nd hearing on both the Tax Rate and Budget and then adopt on 9-11-23 at the end of the meeting that the public has had opportunity to speak again.

Jennifer O’Steen – there is no downside to providing additional public hearings and opportunities for the public to weigh in on the decisions you’re making. Providing more notice should always be what we strive to do.

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

17. 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 Chaney

None

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

18. 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
Presented by Jacky Cockerham, Auditor
See attachments 430 Capital Projects Fund & 431 ARPA-American Rescue Grant
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, County Clerk – Part 1 of the Kofile records are almost done and came under budget of just over \$94,000, these monies will help us pay for Part 2 of the project. On Thursday, Part 2, of our Kofile project to restore, image and index records from 1951 back. The unknown is the mold remediation costs. We don't know the degree or costs until the experts have them in hand.
Commissioner Rousseau – this is the mold that happened while in the storage building that was supposed to be climate controlled.
Misty Kimbrough - Yes, the air conditioner went out. I was there on a Friday and everything was fine, the following Tuesday there was mold growing and by the next morning that had doubled. Rene Butler brought in de-humidifiers, ionizers, and HEPA filters to stop the mold growth. The mold growth has stopped but it has not been remediated. We still have not had an adjuster or an insurance claim accepted.
Jacky Cockerham – I was notified by the insurance that they do not intend to accept the claim, this is RPA. The do not know of any incident that would have caused this. They feel it should be the property owner's responsibility.
Jennifer O'Steen – we will be asking RPA's legal counsel for an update.
- Commissioner Rousseau – Contacted by a member of the community who was a long-term volunteer and was a member of the board of directors for the Aquarium. Is excited about moving forward on the Aquarium, but disappointed that the plans do not include a bathroom. He feels that the family's and the schools who come need to have a bathroom to use that is not in another building. Before we start construction on the Aquarium would like a restroom be added to the plans.
Commissioner Casterline – the people of the Aquarium requested there not be a restroom.
Commissioner Chaney – aren't we required to have a restroom in a public building owned by the County?
Jennifer O'Steen – The plan that the Architects, John Strothman and RPA was involved in the initial planning. Planned a deck that would connect the two facilities giving an accessible route. My recommendation is that we add an accessible restroom that is a family restroom, being conservative and make sure we aren't violating any law. Although I don't believe it is not illegal not to have a restroom. I believe it is conservative to have one.
John Strothman – In the planning of the project the Aquarium Committee/Folks chose due to the space they have available not to put a bathroom in the Aquarium. This meets the City of Rockport and ADA compliance.
Jennifer O'Steen – I feel strongly about this based on accessibility for our citizens. If the weather is pour going to the exterior to find the bathroom would be challenging

for anyone let alone someone who is in a wheelchair or an assistive device. As a citizen and as a lawyer I think this it is a really good idea to have a restroom.
Commissioner Casterline – John can you see what it would cost to add a restroom?
Commissioner Chaney – make it covered or inclosing the walk way.
John Strothman – the space is the concern for the Aquarium. The tanks and all of the materials they need to keep the tanks operating properly.

- Judge Garza – introduced Desiree Upton our new HR Director, she is a Rockport native.

Desiree Upton – I will have an open door so please come visit me to discuss anything. I have a business degree focused on accounting but do have HR experience. My last job was with a marine transportation and logistics company in Ingleside, Signet Maritime. I have been wanting to work for the City or County for a long time.

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

- *None*

XIII. CLOSED SESSION

19. 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 –Jen O’Steen/Judge Garza

No need and did not go into closed session

XIV. OPEN SESSION

20. Reconvene into Open Session

No closed session

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

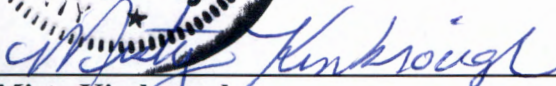
No closed session

XV. ADJOURNMENT

Motion to adjourn: by Commissioner Rousseau, motion was seconded by
Commissioner Casterline
Vote: Motion carried 5-0: it was so ordered
Meeting adjourned at 10:37 AM

ARANSAS COUNTY COMMISSIONERS' COURT





Misty Kimbrough,
Ex-Officio Clerk of the Commissioners Court



Ray A. Garza, County Judge

