

# MINUTES

## Aransas County Commissioners Court



9:00 AM – Monday, September 25, 2023

The Aransas County Commissioners Court met on Monday, September 25, 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 \(aransascourt.tx.gov\)](https://aransascourt.tx.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

Biral Patel – Texas Association of Counties, *see attachments page 8-10*

### V. PRESENTATIONS AND PROCLAMATIONS

1. Presentation by Public Power Pool (P3), an Aggregation Coop for Electric Power for the Public Sector – Jacky Cockerham/Judge Garza

**Presented by David Quin, Program Manager, *see attachments pages 14 – 24***

Commissioner Chaney; with the amount of industry we anticipate coming in in the next 5 years will that help or hurt us with our plan?

David Quin: That is part of the reason that electricity prices are so high right now. Traditionally it follows natural gas pricing but it has separated itself and part of that is it has continued to be high demand due to economic growth. Where that power will come from will be answered is difficult due to renewables coming on. The market is choosing renewables as its go-to resource for energy production. The legislature continues to put its faith in fossil fuels.

Commissioner Chaney: How has new energy sources really affected us?

David Quin: as recently as this spring ERCOT was predicting that 100% of new energy in Texas would be coming from renewables by 2030. The big game changer in the market place is battery technology. We will have a significant amount of reserve capacity that can come online if and when needed. That will help stabilize pricing.

Commissioner Rousseau: If we decide to go with you, this would start as of June 2024?

David Quin: 2 pronged approach – 1. New Courthouse and Civic Center coming on in as early as January or February of next year. We want to price those for an initial 5

month period by themselves. 2 Add in all the other accounts next June when the current contract expires.

Commissioner Rousseau: Front page of presentation, "Members Savings to date", \$195,000,000+ since 2002 but page 10 it says program began in 2022?

David Quin: that's a typo it should be 2002 on page 10.

Jennifer O'Steen: Mr. Quin, would you mind telling the Commissioner's Court how the board is composed and who's actually managing P3?

David Quin: Every member that joins P3, that entity identifies one representative to represent their point of interest. That person gets to vote in the elections for the P3 Board that are held every 2 years. Any representative can be nominated or nominate themselves to be on the P3 Board. P3 is managed by the members and meets at least 2 times a year.

Commissioner Dupnik: how many paid employees does P3 have?

David Quin: 3 staff and 2 outside consultants for the procurement and trading desks to get us the best possible deal. NASA is one of their clients.

2. Presentation by Rockport Humane Society and Adoption Center – Betty Hattman

**Presented by Kathy Noble, Chair of the Board; Betty Hattman, and Autumn Vasey, Shelter Manager** *see attachments page 25-40*

Commissioner Chaney: How many dogs and cats do you service annually? Adoptions are between 280-300, and a total would be about double of that.

Commissioner Dupnik: I want to thank you and your group. When I was touring the shelter I didn't realize you were supporting the county by keeping some of the animals from our shelter to help with the overcrowding in our facility.

Autumn Vasey: we help as much as we can and we continue to help by trying to find foster homes for the rest of the animals.

Commissioner Dupnik: When you walk in the door of the Humane Society there are 2 impressive things. 1<sup>st</sup> the foyer had no animal smell, it smelled just like this courtroom, then I walked just around the wall and the animals were right there. The cleanliness is so impressive. 2<sup>nd</sup> Walked toward the outside area I thought the dogs might have been sedated, they were not going nuts with barking. It was explained to me that they are content, not stressed out and are comfortable. The care they get is impressive. Thank you and your group for that. I think the county can benefit from your expertise.

Autumn Vasey: I encourage everyone to come out, we have a tortoise that lives there, and couple of other animals, not just dogs and cats.

3. Presentation by Tree Committee – Debbie Griffith, Betty Stiles, Shelly Steckler

**Presented by: Debbie Griffith, Betty Stiles & Shelly Steckler** *see attachment pages 41-88*

Commissioner Dupnik: How does the changes that you've asked us to put into place compare to the City of Rockport?

Debbie Griffith: they are substantially less. The municipalities have more freedom to create the rules and regulations than we do. We did look at theirs and take them into

consideration. The county does have some limitations. The fees for the city are considerably higher.

Jennifer O'Steen: the fees that are in the tree order are not supposed to be a deterrent. The fine once you get to court is supposed to be the deterrent. The fee in the order is our administrative cost for getting people to do the inspections. Please look at the changes that are being suggested and I know this will come back on the agenda with a revised order for your consideration.

Wendy Laubach: It's been clear to me how this works if you are a developer and you've got a large tract and you want to cut up to 50% of your trees. A lot of homeowners say "wait a minute, if I own more than an acre and I want to cut a single tree in the middle of my woods do I really have to pay \$100, do an application and give a survey of my entire property", I was never able to give them a good clear answer. I think that needs attention.

## VI. CONSENT AGENDA

4. Discuss, approve or disapprove the Minutes from the September 5, 2023 Public Hearing for the 2024 Budget – Misty Kimbrough/Judge Garza
5. Discuss, approve or disapprove the Minutes from the September 5, 2023 Public Hearing for the 2023 Tax Rate – Misty Kimbrough/Judge Garza
6. Discuss, approve or disapprove the Minutes from the September 11, 2023 Public Hearing for the 2024 Budget – Misty Kimbrough/Judge Garza
7. Discuss, approve or disapprove the Minutes from the September 11, 2023 Public Hearing for the 2023 Tax Rate – Misty Kimbrough/Judge Garza
8. Discuss, approve or disapprove the Minutes from the September 11, 2023 Regular Meeting – Misty Kimbrough/Judge Garza
9. Acknowledge receipt of, and record in the minutes of Commissioners Court, a list of salaries for Aransas County's elected officials in 2024 – Commissioner Rousseau
10. Acknowledge receipt of, and record in the minutes of Commissioners Court, a Certificate of Completion for Judge Garza for meeting his education requirements with 52.5 hours during the fiscal year reporting period - Judge Garza
11. Acknowledge receipt of, and record in the minutes of Commissioners Court, a Certificate of Completion for Commissioner Pat Rousseau for a total of 20 hours earned from the 2023 Annual South Texas County Judges and Commissioners Association of Texas (CJCA) Conference – Commissioner Pat Rousseau
12. Acknowledge receipt of, and record in the minutes of Commissioners Court, a Certificate of Completion for Commissioner Casterline for a total of 17 hours earned from the 2023 Annual South Texas County Judges and Commissioners Association of Texas (CJCA) Conference – Commissioner Casterline
13. Acknowledge receipt of and record in the minutes of Commissioners Court, a letter dated September 8, 2023, of official notification that Aransas County Public Library is accredited and will be a fully qualified member of the Texas Library System for the State Fiscal Year 2024, which is September 1, 2023 through August 31, 2024 – Iris Sanchez/Judge Garza

## DONATIONS

14. Acknowledge and accept a Donation of dog food from Todd Kocian for Aransas County Animal Care – Lori Cesar/Judge Garza
15. Acknowledge and accept a Donation of \$25 from Catherine Mann for the Aransas County Animal Care – Lori Cesar/Judge Garza

16. Acknowledge and accept a Donation of kitten supplies from Karen Small for the Aransas County Animal Care – Lori Cesar/Judge Garza

**I move to accept the consent agenda:** by Commissioner Dupnik, motion was seconded by Commissioner Casterline with changes

**Discussion followed:**  
Commissioner Casterline: items 11 & 12 that have mine and Commissioner Rousseau’s educational hours is not really worded accurately. It reads as if we got those from the South Texas Conference, but that is the total for the whole year. Some were also carried forward from last year. What was presented is a report that we have fulfilled our annual requirement.  
Jennifer O’Steen: I worded that and if I made a mistake I apologize. I think it is fine how it is worded in the agenda with this clarification.  
Judge Garza acknowledged the donations.  
Commissioner Rousseau: I would like to call attention to item 9 that I had asked to be placed on the agenda. I don’t know how many people in here and how many in the community look at the packet. The salaries for elected officials, I wanted that to be a public notice to show who was accepting the COLA and who was accepting the longevity pay. Do we have a slide for that, or a plan to put this in the newspaper? Just to have it part of the consent agenda and then put away is not what I had in mind.  
Jennifer O’Steen: we do not have a slide show or presentation. To put in the newspaper would have been \$1,000.00 to publish it, which is why we suggested we put it on the agenda. Now that you brought it to the attention of everyone it could be removed from the consent item and voted on separately or if you feel we’ve discussed it enough then we can make sure we do it differently next year. Or, we can bring it back on the next agenda as its own item.  
Commissioner Rousseau: I would like to bring it back on the next agenda as its own item and make sure we have a slide that will show the public what is being accepted.  
Judge Garza, we can do that.  
**Motion: Commissioner Rousseau to table item 9 from the Consent agenda, motion was seconded by Commissioner Casterline**  
**Vote:** Motion carried 5-0: it was so ordered  
**Vote to accept the consent agenda:** Motion carried 5-0: it was so ordered

**VII. COUNTY REPORTS, PROCLAMATIONS, AND RESOLUTIONS**

17. Discuss, approve or disapprove Order #O-20-2023, an Order of the Commissioners Court of Aransas County, Texas, entitled “Prohibiting Outdoor Burning for a Period of up to Thirty Days due to the Existence of Conditions that have Created a Public Safety Hazard” that would be exacerbated by outdoor burning – Judge Garza

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

**Discussion followed:**  
Commissioner Chaney: in times of drought 30 days is not enough  
Commissioner Casterline: we can just do this again in 30 days  
**Vote:** Motion carried 5-0: it was so ordered

18. Discuss, approve or disapprove Order #O-21-2023, an Order of Special Election for the November 7, 2023, replacing Order O-18-2023 due to a change in a polling location—Kevin Stroud/Judge Garza

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

**Discussion followed:**

Kevin Stroud: RFD building is no longer available, it will be in the Library. This will be advertised in the Rockport Pilot, Facebook page and on our website.

Commissioner Dupnik: will the Library be able to stay open and continue business as usual?

Kevin Stroud: I believe so, we will be in the meeting room, it was used in the past.

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

19. Discuss, approve or disapprove Order #O-22-2023, an Order setting the 2024 Sheriff/Constable Fees with no change from the 2023 fees – Misty Kimbrough/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 Resolution R-26-2023, a Resolution joining the Public Power Pool (P3), an Aggregation Coop for Electric Power for the Public Sector and Authorizing the County Judge to sign a contract for power when rates are favorable – Jacky Cockerham/Judge Garza

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

Commissioner Casterline: I would like “after they’ve been fully vetted”

Judge Garza: we are looking at another company as well. We will go with the lowest priced power.

Jennifer O’Steen: maybe Mr. Quin could answer your questions before a vote. Would you be able to get pricing for us if we aren’t obligated to go with them should we choose a different provider or contract?

David Quin: Could you ask the questions again?

Jennifer O’Steen: We are currently working with a different broker and the Commissioner’s Court just now voted move forward with the resolution to work with P3 as well. With the understanding that whichever broker comes back with the best pricing is who we plan to go with. Is that a problem for P3 if we have a possibility of going with someone else?

David Quin: The only problem would be with your current contract provider Mid-American. We have worked with them in the past, but if they wanted to bid through P3 then there would be a conflict.

Commissioner Casterline: we aren’t talking about them, it’s somebody else.

Jennifer O’Steen: the other broker does not use Mid-American as its supplier so that shouldn’t be an issue.

David Quin: I think we had a membership resolution that we would not be able to take any action on behalf of the count unless Aransas County is a member of P3.

Jacky Cockerham: that is what they are looking at right now.

Commissioner Chaney: is this time sensitive or can we get more time and get more information? When is our contract up with our other provider?

David Quin: the only issue Commissioner is, you are looking to price the new courthouse and the rec center as early as January 2024. We don't want to be in a corner trying to get pricing at the last possible moment. We like to have time on our side.

Commissioner Casterline: I don't think we are wanting to wait a long time, just wanting both of you to give us a price and authorize the Judge to take what he considers the better one

Jacky Cockerham: our contract with Mid-America ends in June 2024, they would not, or whoever we use, would take over our current accounts until that contract ends.

But, we do have the new courthouse and the community building that are going to be coming on that are not under that contract. We do have to do something. The agenda today is just the order to join them, not to purchase the power.

Commissioner Dupnik: do we need to table joining, until we determine which provider to go with?

Jacky Cockerham: I don't think that's an option. P3 won't be able to do pricing for us unless we are a member. We have to do this first to be able to see what P3 can offer.

Judge Garza: but we would not be obligated to go with them

David Quin: You would have the very last say on any price that we receive. We will share that with you and we would have a window of a few hours to be able to book that price. But, you would have the finale say.

Commissioner Rousseau: question on page 2 of the resolution # 4, the contract term would begin January 1<sup>st</sup> 2024, then would it end in June of 2024?

David Quin: the contract term for the courthouse would begin in January 2024 and then we would add in all of the other accounts in June 2024 or July.

Jacky Cockerham: I believe it is June 16 or 24, 2024. If we choose P3 it would go through 2025. Then would a line with their other contracts allow us to bid out the same time the other entities do.

Commissioner Casterline: Can we become a member without obligating ourselves?

Jacky Cockerham: that is not a contract to purchase power. That's just joining.

David Quin: there is no membership fee at all.

Commissioner Chaney: In your presentation you said there are 2-3 members that actually don't purchase power but are part of the group.

David Quin: all of our 96 political subdivision members are currently purchasing power for all of their properties.

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

21. Discuss, approve, or disapprove Resolution #R-27-2023, a Resolution Supporting the recent passage of Senate Bill 29 Relating to Prohibiting Governmental Entity Implementation or Enforcement of a Vaccine Mandate, Mask Requirement, or Private Business or School Closure to Prevent the Spread of COVID-19 – Commissioner Rousseau

***Struck from the agenda will be added to the next Commissioner's Court Agenda***

22. Discuss, approve or disapprove Proclamation #P-14-2023, proclaiming October 2023 as “Texas Archeology Month” – Doreen Bronner/Judge Garza

***Struck from the agenda will be added to the next Commissioner’s Court Agenda***

23. Discuss, approve or disapprove Joint Proclamation #JP-15-2023, proclaiming October 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup>, 2023 as the 48<sup>th</sup> Annual Rockport-Fulton SeaFair Festival – Judge Garza

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

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

24. Discuss, approve, or disapprove the 2nd Quarter 2023 Report of the Texas Maritime Museum – Justin Parkoff/Judge Garza

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

**Discussion followed:** Justin Parkoff PhD, RPA, Texas Maritime Museum Executive Director, page 12 expenditure numbers are wrong

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

### VIII. CONTRACTS AND GRANTS

25. Discuss, approve or disapprove entering into a Real Estate Purchase and Sale Agreement between Rockport Property Entity, LLC, EVC-CC Land Holdings, LLC and Aransas County, Texas for the purchase of approximately 972.952 acres of land out of the A6 Joseph Fessenden Survey, J Smith Survey , and A14 Anselmo Bergara Survey, near Cape Valero and 1751 FM in Aransas County, for Two Million Three Hundred and Fifty Thousand Dollars (\$2,350,000.00), contingent upon the award and receipt of grant funds from the GOMESA Program CMP Cycle 29 for Projects of Special Merit and authorize the County Judge to execute necessary documents –Kat Comeaux/Judge Garza

***Struck from the agenda will be added to the next Commissioner’s Court Agenda***

26. Discuss, approve, or disapprove County Auditor signing the Non-Federal Sponsors Self-Certification of Financial Capability for Agreements Form for the County to participate in the CAP 204 program with Texas Parks & Wildlife Department, General Land Office and U.S. Army Corp of Engineers in the implementation of the Aquatic Ecosystem Restoration at Goose Island State Park – John Strothman/Judge Garza

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

**Discussion followed:**

John Strothman: The County was approached by Texas Parks and Wildlife, GLO (General Land Office) and the Army Corps of Engineers asking us to be a participant in the CAP 204 program. The Army Corps of Engineers will be dredging their ship channel and Parks and Wildlife is looking for a dredge, so the GLO will fund this program. With this program we will be the “go between”. The money cannot be given directly from the GLO to the Army Corps of Engineers, it must go through a non-federal, non-state agency. That will be Aransas County. This step is self-certifying that we operate our procurement processes to meet the 2CFR

Commissioner Rousseau: The background stated there would be no cost to Aransas

County other than staff time. What department is going to?  
John Strothman: Most of it will be the Auditor's Office.  
Kendall Kizer, with Texas Parks and Wildlife, State Parks Division  
**Vote:** Motion carried 5-0: it was so ordered

27. Discuss, approve or disapprove County Judge signing a letter from the County to participate in the CAP 204 program with Texas Parks & Wildlife Department, General Land Office and U.S. Army Corps of Engineers in the implementation of the Aquatic Ecosystem Restoration at Goose Island State Park – John Strothman/Judge Garza

**Motion to approve:** by Commissioner Dupnik, motion was seconded by Commissioner Chaney  
**Discussion followed:**  
Commissioner Rousseau: In the letter there is a statement, there is a cash contribution of at least 5% of the total project cost. Aransas County is not going to pay that 5%.  
John Strothman: correct.  
Commissioner Rousseau: who's going to pay it?  
Kendal Kizer: it will come from the GLO  
Commissioner Chaney: what does CAP stand for  
Kendal Kizer: Continuing Authorization Program  
Commissioner Casterline: is that where they are trying to relocate dredge material from the intercostal  
Kendal Kizer: exactly, beneficial use of dredge material and I hope we will see a lot more of that in the future.  
Commissioner Casterline: where are you going to put it?  
Kendal Kizer: I did include a map, we have more dredge material that is planned than we have space for. So, what we hope to do is to use more firm material to build some additional marsh cells and we've got 2 now just to the north of the breakwater. Those additional marsh cells will be filled with finer dredge materials. This is on the east side of the highway and the south side of the park.  
Commissioner Casterline: will these be like levees?  
Kendal Kizer: yes exactly  
Commissioner Casterline: what elevation  
Kendal Kizer: about 3 feet above sea level, this won't start for 1-2 years and will take about a year to complete. We do have a cost estimate that the Corps of Engineers has prepared. The federal portion is \$3,500,000 and \$2,800,000 from GLO. This is a good opportunity for me to introduce Kristen Eggers. She has been working with me for about a year and a half and she is the habitat conservation coordinator and she will be taking over at least in the interim as I am retiring.  
**Judge Garza: Five minute break at 10:52 AM Reconvened at 10:57 AM**

28. Discuss, approve or disapprove authorizing County Judge to enter into a contract with CDW Government, an authorized re-seller under Texas Department of Information Resources (TX DIR) Cooperative purchasing agreement number DIR-TSO-4315; for professional services to implement a next generation software security service on county computers for a cost not to exceed \$51,868.07 – Collin Jackson/Judge Garza



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

**Discussion followed:**

Collin Jackson: Cyber-attacks are on the rise, 2019, 22 entities in Texas were attacked. More than 14 school Districts in 2021. Recently Caesar's Palace and MGM Grand, large corporations with billions in IT infrastructure got hacked. Our infrastructure needs to be upgraded and as part of a layered approach we are upgrading both the software on the computers and then next couple of items cover the hardware. This is currently in the budget for this year.

Commissioner Chaney: this is an annual fee?

Collin Jackson: this is an initial fee and then there will be an annual fee. This will cover us for the next 3 years. I did each of these with a 3 year startup.

Commissioner Chaney: what does that cover?

Collin Jackson: That is something I wouldn't discuss in open Commissioner's Court as it pertains to the design of the network and security.

Commissioner Chaney: can you speak to the cost? Could we go into Close Session or could you speak to each of the Commissioners?

Jennifer O'Steen: We can't today. We could potentially have an executive session at a later meeting. Visiting with each of you that would be a potential walking quorum issue. Question for Collin, you stated this was a 3 year agreement, the \$51,000 is that an annual cost for 3 years or is that for the 3 years all in 1 price?

Collin Jackson: That's all in 1 price.

Commissioner Rousseau: on your quote confirmation, it does show a subscription license at \$34,000 and then technical support services are \$17,000+, which sum to the amount you're asking.

Collin Jackson: thank you.

Judge Garza: how is this different to what you are doing now?

Collin Jackson: It's a different vendor, our current software program has been bought out by several different vendors and support for it has tanked. I don't trust it as much anymore. I think it's time to go with something that my counterparts and other entities like the City of Rockport and San Patricio County which have deployed this solution from the same vendor.

Judge Garza: are you going to drop the other vendor, and what is that cost?

Collin Jackson: yes, when we bought it, it was about this price then it went down significantly for the maintenance and technical support to only a few grand a year.

Commissioner Chaney: is this a one-time install and then 3 years later do it again?

Collin Jackson: In 3 years we will have more with this but it will not be this amount, it will be significantly lower amount.

Jennifer O'Steen: the 3 year renewal will be for maintenance

Collin Jackson: correct, maintenance and support only.

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

29. Discuss, approve or disapprove authorizing County Judge to enter into a contract with CDW Government; a Fortigate authorized re-seller; under Texas Department of Information Resources (TX DIR) Co-Operative Purchasing Agreement Technology

Sourcing Office (TSO) contract number DIR-TSO-4315; for replacement of physical network security infrastructure components; in the amount of \$58,954.594 – Collin Jackson/Judge Garza

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

**Discussion followed:**

Collin Jackson: this is hardware for intrusion defense and should last 7-10 years

Commissioner Dupnik: using our personal computers for county business something could come in on our private email. Will the county system also protect that?

Collin Jackson: I can't expand on this

Jennifer O'Steen: the answer is yes, firewall extends both ways of incoming and outgoing traffic. If you have a virus and you got on the county system from your personal computer the firewall should keep our system safe.

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

30. Discuss, approve or disapprove authorizing County Judge to execute a professional services contract with CDW Government; an authorized re-seller of FortiNet; Under the Sourcewell Cooperative Purchasing Agreement #081419; to implement, configure and deploy the new network security infrastructure; pending successful negotiations with the County Attorney's office; and for an amount not to exceed \$21,000.00 – Collin Jackson/Judge Garza

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

**Discussion followed:**

Collin Jackson: This is for professional service from their technical engineers to examine our current setup and replicate that configuration and improve it to meet best practice standards. Then to implement it to current standards.

Commissioner Rousseau: it states pending successful negotiations with the County Attorney's Office.

Collin Jackson: I haven't given them the full scope of work yet, once that is worked out then I would turn it over to Jennifer O'Steen to make sure the legal terms are agreeable. We already have that cost of not to exceed established. We are wanting this so we can continue on the scope of work.

Commissioner Rousseau: what would be a projected time frame for completion?

Collin Jackson: once we order the hardware, we will probably be in Nov. or Dec. for getting it all implemented.

Jennifer O'Steen: in the meantime Collin can send me everything else and I can get started on that review so by the time the scope is put together we should be good to go.

Commissioner Dupnik: it will be all spent in this year's budget?

Collin Jackson: yes it will be spent in this year's budget.

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

**IX. PLANNING AND BUDGET**

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

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

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

32. Discuss, approve, or disapprove updating the Aransas County Court Calendar and List of Paid Holidays to include Juneteenth in 2024 – Desiree Upton/Judge Garza

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

**Discussion followed:**

Commissioner Casterline: is that in addition to or changing another day out?

Desiree Upton: if it's going to be in addition or a replacement that is up for us to discuss. I would like to read a brief history, included on the Agenda Item Memo in the *attachments*

Commissioner Rousseau: I am against adding another holiday to the schedule. Possibly replacing a day. I am offended that this is brought before us when we have just gone through the budget process. We are looking at trying to be conservative and this would add another paid holiday when we are telling the constituents that we are trying to be as conservative and thoughtful with their money. I don't think this supports that statement. I'm curious how this came to be?

Amanda Oster: it came to be from my office. It doesn't cost the county more money to have more paid holidays. I'm offended that anyone here would think that celebrating any race and taking any paid holidays and celebration of the freedom of any people would be offensive.

Commissioner Rousseau: I am not offended by the race and if you want to put it in that context that's your choice. That is not what I am saying. I am offended that we are looking to add another paid holiday to the schedule, we have a very generous schedule.

Amanda Oster: this holiday is celebrated by many our neighboring counties, including counties that are with our judicial region that our district judges handle. It has created some problems with scheduling with those counties. The judges brought it to my attention. That is one of the reasons I brought it up. But it is also important that we celebrate all of the cultures within our county. It does not cost our county more money to give our employees more days off. It is a way to show our employees that we appreciate them. If we cannot give them COLAs. If we cannot give them more money. Which is what you all voted for. How can we show them that we appreciate them?

Commissioner Rousseau: through merit increases, on their performance.

Amanda Oster: Some people will not get it because their department heads refuse to give them, no matter how well they work, no matter how hard they work.

Jennifer O'Steen: one more requirement that we need to mention is with grant compliance we are required to follow all of the federal policies, EEO policies and anti-discrimination. I do think in the upcoming grant cycles that having this holiday

observed may become a requirement to keep us in compliance. If you want to choose to forego another holiday in place of this one that would be the Court's prerogative but I also would greatly appreciate if Commissioner's Court would celebrate this Second Independence Day. It's important to our employees, our citizens and our country. It's a national holiday and I feel personally that we should be allowed to observe it as employees.

Commissioner Chaney: I think that we forget that the count is made up of all the folks. We can't have holidays for every single nationality. But Juneteenth has always been observed as multicultural. I have multicultural children and grandchildren. I don't see a problem with it at all. I'm surprised it hasn't been done sooner. But with what Commissioner Rousseau is saying, I think the timing of this is not good because it should have been done during budget. While it doesn't affect the budget, people won't be out there working. We need to make sure that we are keeping up with as many of the federal EEOC guidelines as we can. I'm in favor of it.

Jennifer O'Steen: one more thing, I've worked with the employee's benefits committee and the employee handbook committee. Both of those committees asked our previous HR Director to ask the Court to observe this holiday as far back as 2 years ago, this happened in 2021, 2022, and 2023 before the budget cycle ended, but HR Director did not bring it to you. Hopefully moving forward the Committees will have better communication and even come on their own in the citizens to be heard to bring those things to your attention in a timely manner.

Commissioner Rousseau: I'm going to state that I mentored a student who is African-American and Hispanic. She did not know about Juneteenth. I helped her celebrate and learn the history. I am against adding another holiday.

Amanda Oster: It didn't take a while to get here. It started here. It started in Galveston.

Commissioner Rousseau: I meant the announcement made that they were free.

Amanda Oster: I appreciate that, and I am not calling you racist. I am saying if we were all here advocating for our own holidays, that is not what this is about. I say that Juneteenth is a national holiday and should be a holiday in Aransas County for the benefit of members of our community.

Commissioner Casterline: I want to amend my motion to make that day an addition to our list, motion was seconded by Commissioner Chaney

**Vote:** Motion carried 4-1: it was so ordered; Commissioner Rousseau voted against

33. Discuss, approve or disapprove allowing the Healthy County Coordinator (Human Resources Director) to spend up to \$2,580.00 of the Healthy County & Fair Funds on incentives and other expenditures incurred for the Annual Aransas County Employee Health Fair in anticipation of receiving funds back from Texas Association of Counties (TAC) Healthy County Program - Desiree Upton/Judge Garza

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

**Discussion followed:**

Desiree Upton: this is a budgeted item and is only \$80 more than last year. The Health Fair will be Oct. 20, 2023. This will allow employees to get immunizations

and learn new ways to be healthy in a fun environment.  
Commissioner Rousseau: is this funded by the Health Care Sales Tax?  
Alma Cartwright: it is in the Health Care Sales Tax fund but we have money that comes from TAC for the participation of the employees, so whatever is spent over the TAC funds does come out of the Health Care Sales Tax fund.  
Judge Garza: do you know how much TAC gives us?  
Desiree Upton: I don't know but I will find out.  
**Vote:** Motion carried 5-0: it was so ordered

34. Discuss, approve, or disapprove a Job Description and Title for a Felony Prosecutor for the County Attorney's office – Amanda Oster/Judge Garza

**Motion to approve:** by Commissioner Dupnik, motion was seconded by Commissioner Casterline  
**Discussion followed:**  
Amanda Oster: the same amount but did change the title and moved around some of the job description. The main duty will be in the felony court and cover other duties as needed. I will post very soon because it can take several months to fill but the duties won't start until after January.  
Commissioner Dupnik: this is within budget?  
Amanda Oster: yes, it is the exact amount that was approved in the budget.  
Commissioner Rousseau: we didn't get a copy of the job description  
Amanda Oster: we will get that to you. I want to get this posted, last time it took 6 months to hire someone.  
**Vote:** Motion carried 5-0: it was so ordered

35. Discuss, approve or disapprove authorizing the County Judge to sign the Texas Association of County's (TAC) Workers Compensation Renewal Agreement and Questionnaire for Plan Year 2024 – Desiree Upton/Judge Garza

**Motion to approve:** by Commissioner Chaney, motion was seconded by Commissioner Casterline  
**Discussion followed:**  
Commissioner Rousseau: have you received that rates for this?  
Desiree Upton: this is to answering questions so they can provide the rates.  
Commissioner Rousseau: when you get the rates can you provide us with what 2024 rates will be versus 2023?  
Desiree Upton: yes  
**Vote:** Motion carried 5-0: it was so ordered

36. Discuss, approve, or disapprove authorizing the County Judge to sign the Texas Association of County's (TAC) Liability Renewal Agreement and Questionnaire for Plan Year 2024 - Jacky Cockerham/Judge Garza

**Motion to approve:** by Commissioner Rousseau, motion was seconded by Commissioner Casterline  
Commissioner Rousseau: is this budgeted?  
Jacky Cockerham: yes, this is approving our annual agreement  
**Vote:** Motion carried 5-0: it was so ordered

37. 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 Dupnik  
**None at this time**  
**Vote:** Motion carried 5-0: it was so ordered

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

**Motion to approve:** by Commissioner Casterline, motion was seconded by Commissioner Chaney  
**Discussion followed:**  
Jacky Cockerham: All normal, some mentioned for record, see video time stamp 2:26  
**Vote:** Motion carried 5-0: it was so ordered

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

- Judge Garza: Aransas County is preparing an amendment to the ongoing Harvey disaster relief grant. Therefore representative of GrantWorks Incorporated will be in the community performing a survey of area residents. We request that you cooperate with GrantWorks survey team so that they can gather the needed information for a CDBG Community Development Block Grant through the GLO.  
Names of the surveyors: Garrett Hines, Kirk Dibbens, Curtis Techur, Cloy Richards, Javier Zambrano, Anthony Covacevich, Alexander Montiel, Dwight Caller, & Frenando Preciado  
These gentlemen are representing GrantWorks, Inc. and Aransas County. You may ask them for formal identification. You may call Aransas County Judge, Ray Garza at 361-790-0100 if you have additional questions. If this is after hours or on weekends you may call the Aransas County Judge Ray Garza at 843-263-6718 to verify the survey team.  
Thank you for your cooperation.
- Mike Geer: on June 26<sup>th</sup> came to get permission for a World Record attempt, that request was contingent on the safety plan that would be submitted. That won't be happening, I didn't feel the safety plan was able to congeal before the Oct. 14 date.
- Desiree Upton our new HR assistant Rebecca Brooks. I'm Rebecca Brooks, this is my first day on the job, I am majoring in Business Administration and I'll graduating in December. Then continuing on my education from there. I am really excited to be part of the team.

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

- Commissioner Chaney: I would like the Court to start looking at the parks policies after the first of the year. I had a generous donation of some swings that were put up unbeknownst to me. Then looked into to make sure we could do it and then secondly

to see if we can get some more on 2025's budget. I found out we can't leave them up. I'm going to request that we have a meeting to look at the parks issues. They haven't been looked at in a long time. We need to be able to have some parks money, even if it's a couple of hundred dollars. We are getting more people in Peninsula Oaks and Lewis Park was donated, a very valuable piece of property that was donated for the sole purpose of being a park. We've spent a little money each year on keeping the park nice but we have nothing for the children to do. Since the swings have been up the children have been around. I want to see if we can change that.

**Five minute break 11:33 AM; reconvened at 11:38 AM**

**XII. CLOSED SESSION**

39. 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

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

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

**Convened into closed session at 11:39 AM**

**XIII. OPEN SESSION**

40. Reconvene into Open Session

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

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

**Convened into open session at 11:46 AM**

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

**No action taken**

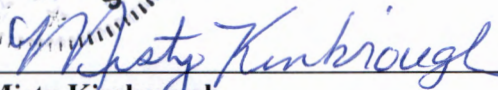
**XIV. ADJOURNMENT**

**Motion to adjourn:** by Commissioner Rousseau, motion was seconded by Commissioner Dupnik  
**Vote:** Motion carried 5-0: it was so ordered  
**Meeting adjourned at 11:47 AM**

**ARANSAS COUNTY COMMISSIONERS’ COURT**



  
\_\_\_\_\_  
Ray A. Garza, County Judge

  
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Misty Kimbrough,  
Ex-Officio Clerk of the Commissioners Court