

MINUTES OF THE ARANSAS COUNTY COMMISSIONERS COURT

REGULAR MEETING - MAY 24, 2021

BE IT REMEMBERED that on the 24th day of May, 2021, the Honorable Commissioners Court of Aransas County, Texas, met in Regular Session, at the Aransas County Courthouse, 2840 Hwy 35 N, Rockport, Texas, with the following members present in person, via Zoom, or via YouTube: C. H. "Burt" Mills, Jr., County Judge; Jack Chaney, Commissioner Precinct 1-1A; Leslie Casterline, Commissioner, Precinct 2; Pat Rousseau, Commissioner, Precinct 3; Wendy Laubach, Commissioner, Precinct 4; and Carrie Arrington, County Clerk.

Other County Officials/Department Heads/Staff Members present in person or via Zoom were: Alma Cartwright, Treasurer; Tracy Orr, Administrative Assistant to County Judge; Jaime Blackburn, Executive Assistant to County Judge; Jennifer O'Steen, Assistant County Attorney; Jacky Cockerham, County Auditor; Tana Taylor; First Assistant County Auditor; Latisha Murphy, Assistant Auditor; Linda Doane, HR Director; Elizabeth Guerra, HR Assistant; Bill Mills, Sheriff; Rhonda Konieczny, Executive Assistant to the Sheriff; John Gutierrez, Sheriff's Department, Chief Deputy Uniform Operations; Gavin Harrison, Sheriff's Department, Training Coordinator; Collin Jackson, IT Director; Jerry Brundrett, County Surveyor; David Reid, County Engineer; Kat Comeaux, Development Services Coordinator; Valerie Gonzalez, Environmental Health Director; Mike Geer, Airport Manager; Rene Butler, Facilities Director; John Strothman, Project Manager; Kim Foutz, Long-Term Recovery; and Lori Cesar, Animal Control Director.

Members of Other Governmental Entities or Community Groups and Interested Parties present in person or via Zoom were: Katy Jackson, VFW Post 3904; Ginger Easton Smith, Megan Glidden, and Darla Zuniga,

Texas A&M Agri-Life Extension; **Tana Neel** and **Jerry Neel**, Another Chance RFT; **Carman Michael**, **Lucy Nye**, **Reagan Geer**, **Evelyn Guidry**, **Kelly Blackwell**, Leadership Aransas County - Members of Class XXIV; **Timothy Broom**, Adult Protective Services; a representative of the Aransas National Wildlife Refuge; **Aaron Horine**, Mott MacDonald; **Diane Probst**, Rockport-Fulton Area Chamber of Commerce; **Mark Uhr** and **Russell Cole**, Rockport Harvey Housing, LLC; and **Mike Probst**, Editor and Publisher, The Rockport Pilot.

Aransas County Citizens present in person or via Zoom were: **Mike Fields**; **Allan Smith**.

The Meeting was duly convened at 9:00 a.m., followed by pledges to the American and Texas flags and an invocation given by County Surveyor Jerry Brundrette. Roll call was taken and a quorum was declared by Judge Mills, WHEREUPON, the following proceedings were had and done, to wit:

CITIZENS TO BE HEARD

Katy Jackson, as Commander of VFW Post 3904, reminded the group about Memorial Day, next Monday, and invited everyone to attend the 2:00PM ceremony in Veterans' Memorial Park. She also mentioned that all were welcome to help place flags on veterans' graves on Thursday, May 27th, starting at 8:00AM in Rockport Cemetery, and to attend the June 5th Coffee with Veterans event to honor veterans that served during D-Day, 9:00AM, at Main Street Coffee House. [On D-Day, June 6, 1944, Allied forces launched a combined naval, air, and land assault on Nazi-occupied France. By the end of the day, the Allies had established a foothold along the coast and could begin their advance into France.]

PRESENTATIONS

1. **Ginger Easton-Smith** and **Megan Glidden** with Texas A&M AgriLife Extension gave an informational presentation – the 2021 Spring Summary – for the group showcasing the many impressive accomplishments of Aransas County 4H-ers this past spring beginning with the Agriculture and Home Arts Show results, followed by results from the Spring Spectacular, and ending with State Level Participation/Awards. We had MANY champions!
2. On behalf of Leadership Aransas County (LAC) Class XXIV, **Carman Michael, Reagan Geer, and Valerie Gonzalez** reflected about the time they came together as a class and discovered that, despite being a very diverse group, they each loved Aransas County and dogs – and how those two loves inspired them to make raising funds for Another Chance RFT, their class project. The class raised funds to provide Another Chance RFT with a free standing building that included flooring, kennels, and air conditioning.

Introduced as another person who loves dogs in this county, **Lori Cesar**, Aransas County Animal Control Director, spoke briefly about her work with Tana Neel, how Tana began volunteering regularly at Aransas County Animal Control because she wanted to make a difference in her community, and how she and her husband Jerry formed the non-profit organization Another Chance RFT – a group of volunteers who assist Aransas County Animal Control in Rockport-Fulton, Texas, and whose mission is to relocate dogs facing euthanasia by providing medical assessment and care, foster care, and then transporting them to dog rescues. At that time, the live release rate for Aransas County was less than 10%, but that live release rate is now at 95% because of their efforts! Ms. Cesar went on to report that, as of this week, Another Chance RFT has rescued 1,515 dogs from the Animal Control facility.

CONSENT AGENDA

There were five items under the Consent Agenda; Judge Mills asked that items 4 and 5 be read and handled separately.

3. Minutes from the May 10, 2021 Regular Meeting.
6. Authorize County Judge to provide a letter of support and matching funds for a CEPRA grant (Cycle 12) in the amount of \$37,694.00. Match funds come from Aransas County Go Mesa funds.
7. Approve accepting a donation in the amount of \$427 from Keep Aransas County Beautiful for Earth Day Tire Turn-In event expenses.

A motion was made by Commissioner Chaney and seconded by Commissioner Laubach to approve consent items 3, 6, and 7.

Question. A roll call vote was taken and the motion carried unanimously.

It is so ordered.

4. A motion was made by Commissioner Chaney and seconded by Commissioner Laubach to approve Proclamation #P-09-2021, proclaiming the month of June 2021 to be "Elder Abuse Prevention Month" in Aransas County, and to urge all citizens to work together to help reduce abuse and neglect of people who are elderly or have disabilities.

Tracy Orr read the proclamation and **Timothy Broom**, Caseworker/Investigator with Adult Protective Services, talked about the many forms of elder abuse (physical, emotional, sexual, and financial and that it includes people who are being neglected - even those that neglect themselves). He thanked everyone here today for helping raise abuse awareness.

Question. A roll call vote was taken and the motion carried unanimously.

It is so ordered.

5. A motion was made by Commissioner Casterline and seconded by Commissioner Chaney to approve Proclamation #P-10-2021, proclaiming May 20, 2021 as Stop the Bleed Day in Aransas County.

The Proclamation, which was written in official recognition of Community Health Worker Week, also specifically thanked Lieutenant Gavin Harrison (Aransas County Sheriff's Office) and Texas State Trooper Houston Yarberry for providing county employees with "Stop the Bleed" training on March 29 and 30, 2021.

Question. A roll call vote was taken and the motion carried unanimously.

It is so ordered.

COUNTY ROADS

8. A motion was made by Commissioner Laubach and seconded by Commissioner Casterline to approve the purchase of, and acceptance of, a permanent non-exclusive Fifty foot (50') wide drainage easement from Shelley and Terry S. Hunsucker, comprised of 1.510 acres of land out of a 13.09 acre tract out of the J. Fessenden Survey, A-65, being described as Tract 1 and 2 in a deed of record under the County Clerk's File No. 358032 in the Official Records of Aransas County, Texas and authorize the payment of Twenty Thousand Dollars (\$20,000) and authorize the County Judge to execute necessary documents.

Commissioner Rousseau asked **County Engineer David Reid** if there could be a possible revision of the easement that could leave those trees in place. **Mr. Reid** stated that the property owners

didn't want to lose trees but they also recognized that this was the place that the easement really needed to go. It's along their back property line and this is the right place for it. **Commissioner Casterline** mentioned to Mr. Reid that he might want to elaborate that this will greatly improve the drainage in this part of the county. **Mr. Reid:** Yes it will, and it fits in with the county's master drainage plan. It is absolutely a good thing for us to have.

Question. A roll call vote was taken and the motion passed on a 4:1 vote with Commissioner Rousseau as the dissenting vote due to her concerns about the necessity of removing four oak trees from the easement.

It is so ordered.

9. A motion was made by Commissioner Chaney and seconded by Commissioner Casterline to approve the purchase of, and acceptance of, a permanent non-exclusive public access and drainage easement from Shelley and Terry S. Hunsucker, comprised of .3566 acres of land out of a 13.09 acre tract out of the J. Fessenden Survey, A-65, being described as Tract 1 and 2 in a deed of record under the County Clerk's File No. 358032 in the Official Public Records of Aransas County, Texas, authorize the payment of Ten Dollars (\$10.00) and authorize the County Judge to execute necessary documents.

Question. A roll call vote was taken and the motion passed unanimously.

It is so ordered.

10. A motion was made by Judge Mills and seconded by Commissioner Chaney to approve the Final Plat of Ocean Reef Subdivision, Unit 1, Lots 1-19, Lots 59-65 and Lots 78-95 (5.692 acres).

Question. A roll call vote was taken and the motion passed unanimously.

It is so ordered.

11. A motion was made by Commissioner Casterline and seconded by Commissioner Laubach to approve the 2021 Chip Spreader bid from sole respondent, Cooper Equipment Company, and authorize the purchase of the Chip Spreader for the bid price of \$311,930.50. Question. A roll call vote was taken and the motion passed unanimously.

It is so ordered.

COUNTY REPORTS

12. A motion was made by Commissioner Rousseau and seconded by Commissioner Casterline to approve establishing a steering committee and appointing members to: 1) recommend a project(s) to be pursued and funded utilizing the American Rescue Plan Act funding and other funding sources, with primary focus on broadband infrastructure; and 2) review and recommend any other projects to pursue in the competitive funding category of the Act.

Commissioner Chaney asked for an explanation as to what this is as he didn't really get a good understanding of it from the packet. **Kim Foutz** stated that this act was passed on March 11 of this year as part of the COVID recovery process. It includes 1.9 trillion dollars of funding and it goes to a variety of sources including families, governments, schools, businesses, etc. There are two different forms of grants: there's what I call "entitlement," which means it's non-competitive and our allocation is 4.5 million dollars, received in two different tranches: one that we've already received the first half (it came in last week); the other half will come in in about one year. Also, locally, there were

other awards that were received. Rockport is receiving 2.3 million, Fulton is receiving \$320,000, and Aransas Pass is receiving 1.83 million. There are some limited uses for the entitlement funds (that's the 4.5 million that we're looking at).

It can be spent to address any kind of expenses or deficits that were created by the pandemic. Also, it can fund water, wastewater, or broadband infrastructure. There is also an opportunity for assistance to small businesses, households, non-profits, and specific industries (such as tourism, travel, and hospitality). Right now, we're waiting on the guidelines for use of the funds. What we've gotten is limited to what's available on the website right now. The Treasury Department will administer the grant funds and our obligation is to use the funds appropriately as well as to send in reports on how we utilize the funds and the process that we use.

Commissioner Chaney asked Ms. Foutz if the broadband she was referring to was the fiber optics loop that he thought we already received funding on. Foutz said it was the same but explained that although we applied for a CDBG Mitigation Grant for our broadband project in the statewide competition, we did not receive it in the first round so we will have to reapply in the second round - but that is one of many grants and financing options for broadband that are coming out right now.

Ms. Foutz stated that the Economic Development Administration has allocations that would allow broadband funding and we're having conversations with the COG (Council of Governments) for a regional application that would be supported by the COG. Further, there are other infrastructure pieces that are coming out in the federal legislation and then there's already broadband funding set up at the national level. Plus, the Governor's office has been working

on the broadband effort. They just adopted a broadband plan and are considering funding as well.

This steering committee would also look at other things that could qualify for competitive funds out there through the same act - some of which may be of interest to Aransas County, such as airport funding, transportation funding, some small business support, and then they're also expanding the SBA paycheck protection program. So, there are a number of other items that the committee can take a look at and see if it meets any of our current funding needs and projects - and that's why we're recommending a steering committee to take a look at all of these items, both for the entitlement that we're already receiving plus anything else that we want to look at.

Commissioner Rousseau and Commissioner Casterline both expressed an interest in being on the steering committee.

Question. A roll call vote was taken and the motion passed unanimously.

It is so ordered.

CONTRACTS, AGREEMENTS, GRANTS & LEASES

13. A motion was made by Commissioner Casterline and seconded by Commissioner Chaney to approve entering into a Partial Assignment and Assumption Agreement between Rockport Harvey Housing, LLC, Pearl Point Phase 2, LLC, and Aransas County which allows the Assignor to assign its rights under a 381 Economic Development Agreement to Pearl Point Phase 2, LLC, at no cost to the County. Question. A roll call vote was taken and the motion passed unanimously.
It is so ordered.

PLANNING & BUDGET

14. A motion was made by Commissioner Casterline and seconded by Commissioner Chaney to approve the April 2021 Treasurer's Report. Question. A roll call vote was taken and the motion carried unanimously.

It is so ordered.

15. A motion was made by Commissioner Chaney and seconded by Commissioner Casterline to approve the 2020 Annual Financial Report of Aransas County presented by Beyer & Co.

Wayne Beyer, Beyer & Co., directed the Court to page 1 and 2 of the report, their opinion letter. He read, that the primary purpose of performing an audit is expressing an opinion of the financial statements. This is our opinion letter. This is an unmodified opinion. There are basically four different kinds of opinions that can be given and this is the highest opinion. It means simply that nothing came to our attention of a material nature that would cause us to qualify the opinion and we were also given everything we asked to examine.

We conducted our audit with auditing standards generally accepted in the United State of America and the standards applicable to financial audits contained in government auditing standards issued by the Comptroller General of the United States. Now, what that means: we had two sets of rules that we had to adhere to when we performed the audit. The first set of rules are standards for just regular audits. The second set of rules and standards were for single audits and that single audit was a result of grant expenditures exceeding \$750,000 last year. You were talking about grants earlier. If you expend over \$750,000 in any one year, that would trigger a single audit and the second set of standards. I

might also add that every auditing firm (CPA firm) in the country follows the same standards or rules.

Next, if you would turn to page 22 and 23 of the report. This kind of gives you a bird's eye view of the General Fund - what transpired in the General Fund last year. Your actual revenues last year in the General Fund was \$16,044,000 compared with a budgeted amount of \$16,370,000, so the revenues came in under budget by \$326,000. Then, below that are your expenditures in the General Fund and they're broken down by department. Most of your departments came in under budget. On page 23 at the bottom, you had a budgeted loss of \$194,256 projected for last year but you actually had an overall gain last year where your revenues exceeded your expenditures by \$1,283,000, so you had a positive budget variance of 1.477 million dollars which was created by the fact that your expenditures in General Fund came in under budget by 1.9 million dollars.

Now, if you look at the bottom of that page, you began the year with a reserve of 6.445 million dollars and you increased that reserve by 1,283 million dollars so you had an end of the year reserve of 7.7 million dollars. If you compare that to your expenditures last year of \$15,223,000, you have over 50% ending reserve in your General Fund and, generally, anything over 25% reserve is considered good so the General Fund is in very good shape. He noted a similar 50% ending reserve in the County's Road & Bridge Fund. Looking at these funds, he stated that we were in very good shape financially.

Then, he directed the Court to page 28 and spoke about our Proprietary Funds (i.e.: Airport Fund and Transfer Station Fund). He felt that depreciation (a book loss not a cash loss) and especially COVID had a huge effect on airport revenues.

Looking at the top of page 54, you see the schedule of the debt of the County: certificates of obligation, revenue bonds, net pension payable, accrued but untaken vacation. The County had end of the year debt of \$18,985,000. There are entities we look at that are almost one-tenth the size of Aransas County that have almost that much debt, so as far as it being a lot of debt, it's really not, not compared to the size of your county.

Beyer went on to note that his group found no material weaknesses nor significant deficiencies or needed to make any kind of other comments or findings in their report.

Judge Mills: Thank you. I'd just like to say that thanks to the auditor's department and the very prudent elected officials and department heads in this county, we put money back into the General Fund again. We do that almost every year. I don't remember the year we haven't done it. But, don't remind me if there was one!
(laughter)

Question. A roll call vote was taken and the motion carried unanimously.

It is so ordered.

16. A motion was made by Commissioner Rousseau and seconded by Commissioner Laubach to approve revising the vesting schedule for Texas County and District Retirement System (TCDRS) for eligible employees from the current 10-year option to the proposed 8-year option, with the change to become effective January 1, 2022.

After some discussion, a motion to table the item was made by Commissioner Laubach and seconded by Commissioner Casterline to allow for additional examination of the effect of such a move.

Question. A roll call vote was taken and the motion to table carried unanimously.

It is so ordered.

17. A motion was made by Commissioner Rousseau and seconded by Commissioner Casterline to approve authorizing the Aransas County Treasurer to sign a Promissory Note, Disbursement Request and Authorization, and Notice of Final Agreement between Aransas County and Prosperity Bank for the automatic extension of the expiration date for one year, on the Irrevocable Standby Letter of Credit #1973 from Prosperity Bank to Texas Commission on Environmental Quality (TCEQ), said extension going through June 01, 2022. The letter of credit covers financial assurance of the Aransas County Transfer Station in the amount of \$10,200.

Question. A roll call vote was taken and the motion passed unanimously.

It is so ordered.

18. A motion was made by Commissioner Laubach and seconded by Commissioner Rousseau to approve the Extension of Rental Support to South Texas Family Planning & Health Corporation in the amount of \$990.00 per month, for the period of July 1, 2021 - June 30, 2022, to be paid out of the Health Care Sales Tax (HCST) Fund. The amount is already figured in the Health Care Sales Tax (HCST) Fund Budget.

Question. A roll call vote was taken and the motion passed unanimously.

It is so ordered.

19. A motion was made by Commissioner Laubach and seconded by Commissioner Chaney to approve authorizing County Judge to sign request for capital credits from the State for the Unclaimed

Property Capital Credits for Counties and to allocate any such funds received to the Literacy programs offered at the Aransas County Public Library per Local Government Code 381-004.

Question. A roll call vote was taken and the motion passed unanimously.

It is so ordered.

20. A motion was made by Commissioner Casterline and seconded by Commissioner Chaney to approve the Budget Line Item Transfers and Amendments. Auditor Jacky Cockerham stated there were none.

Question. A roll call vote was taken and the motion carried unanimously.

It is so ordered.

21. A motion was made by Commissioner Casterline and seconded by Commissioner Rousseau to approve the Accounts Payable and Payroll/Payroll Liabilities.

Auditor Jacky Cockerham stated that in the Accounts Payable, we have a check for \$436.54 for J.M. Edmondson for the Cedar Bayou project as well as a check for \$346,603.36 which is for the purchase of the RCA parking lot. We did also produce a check for \$5,000 for the earnest money for the parking lot that was right after our last meeting, based on the contract we did do that. We have three that are on this agenda that, if court approves them, we can issue those checks if they are required prior to the next meeting - which would be the \$37,694, the match for the CEPRA Grant. I don't know if we're going to need that or not. And, then the two easements that David had this time with the Hunsuckers, if those are required prior to the next meeting.

Commissioner Casterline amended his motion to include the additional items Ms. Cockerham mentioned and Commissioner Rousseau

provided the second for the amended motion.

Question. A roll call vote was taken and the motion carried unanimously.

It is so ordered.

REPORTS FROM COMMISSIONERS, ELECTED OFFICIALS & DEPARTMENT HEADS

WHEREIN NO ACTION WILL BE TAKEN

Judge Mills called for reports from elected officials and department heads.

Auditor Jacky Cockerham: You do have a fees report that you received electronically last week. Any questions. (There were none.)

HR Director Linda Doane: I just wanted to make the Court aware, that as part of the American Rescue Plan Act that President Biden signed into law on March 11, all employers are required to subsidize the full COBRA premium for employees who had a reduction in hours or involuntary termination for six months, from April 1, 2021 through September 30, 2021. The federal government is not going to pay for it right away. Rather, the employers have to pay for it and then we get a form of credit back.

Commissioner Rousseau: Did we have any employees that qualified for that, Linda?

Linda Doane: We had eleven of them and we have sent out the notices. We had 60 days to get the notices out from the time that it took effect. So far, we have not received any of them back but we do have the potential for these eleven who qualified since we had to offer it to anyone who qualified.

Environmental Health Director (and Leadership Aransas County Class of XXIV Member) Valerie Gonzalez: If anyone would like a free tee

shirt, I have some here to give away that are leftover from our project fundraiser.

Commissioner Casterline: Valerie, are your mosquito trucks rolling?

Valerie Gonzalez: Yes, they are on any day they can.

Judge Mills: What I did like, and this is not for publication, I heard on Facebook that somebody was telling me that the City's been getting blamed for mosquito trucks not being out.

Commissioner Casterline: I read that too.

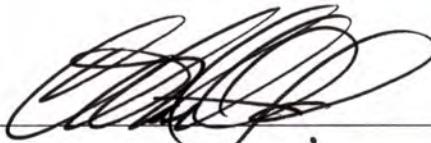
County Clerk Carrie Arrington: Judge, you're on Zoom, you know.

Judge Mills: Oh, I forgot that. <grin>

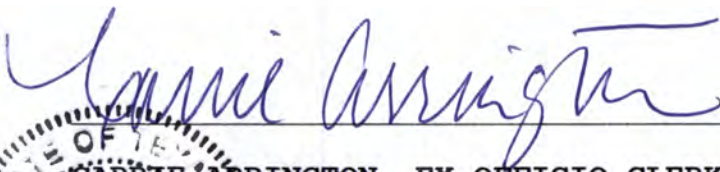
(laughter)

Judge Mills: If there's nothing else, do I have a motion to adjourn?

No further business presenting, the Court adjourned at 11:09 a.m. on a motion duly made by Commissioner Rousseau and seconded by Commissioner Casterline.



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



CARRIE ARRINGTON, EX-OFFICIO CLERK
OF THE COMMISSIONERS COURT

