

MINUTES OF THE ARANSAS COUNTY COMMISSIONERS COURT

REGULAR MEETING - JUNE 14, 2021

BE IT REMEMBERED that on the 14th day of June, 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; Patricia Randall, Chief Deputy Treasurer; Pam Heard, District Clerk; 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; Ermelinda Alvarado, Assistant Auditor; Linda Doane, HR Director; Bill Mills, Sheriff; Rhonda Konieczny, Executive Assistant to the Sheriff; John Gutierrez, Sheriff's Department, Chief Deputy Uniform Operations; Collin Jackson, IT Director; Jerry Brundrett, County Surveyor; David Reid, County Engineer; Valerie Gonzalez, Environmental Health Director; Mike Geer, Airport Manager; Rene Butler, Facilities Director; John Strothman, Project Manager; Kim Foutz, Long-Term Recovery; Lori Cesar, Animal Control Director; and Iris Sanchez, Library Director.

Members of Other Governmental Entities or Community Groups and Interested Parties present in person or via Zoom were: Matthew Grimes, Rockport Volunteer Fire Department, Fire Chief; Vicky Leech, Joey Fanguy, Dean Sininger, John Novotny, Dave Swan, Hydra-USA;

Patrick King, AEP Texas; **Randall Freeze**, Texas GLO; and **Mike Probst**, Editor and Publisher, The Rockport Pilot.

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

Judge Mills began the meeting by striking item 12 from the agenda because we haven't heard back from the Navigation District on it. He then asked the County Clerk if there were any citizens to be heard. There were none.

PRESENTATIONS

1. John Novotny, Joey Fanguy, and Vicky Leech of Hydra-USA, a division of Hydra International LTD, were present at the meeting and they were joined by Hydra International CEO Dean Sininger (via Zoom). Collectively, they gave a presentation to the court regarding flood prevention, mitigation, and water diversion. They discussed their capabilities, gave examples of towns they've assisted in Canada and the money their products and service saved these towns, and showed examples of their HydraSafe System products (Triple Dam, Muscle Wall, and Hydra Shield) and their benefits. Commissioner Chaney suggested they get with Judge Mills to set up a workshop with the county to delve further into the topic and how they might be able to assist the county.

CONSENT AGENDA

There were three items under the Consent Agenda. Items 3 and 4 were pulled and handled separately.

2. Minutes from the May 10, 2021 Regular Meeting.

A motion was made by Commissioner Rousseau and seconded by Commissioner Casterline to approve consent item 2.

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

It is so ordered.

3. A motion was made by Judge Mills and seconded by Commissioner Casterline to approve the appointment of Matthew Grimes as Aransas County Fire Marshal for a period of two years, ending June 14, 2023. Mr. Grimes has been with the Rockport VFD for 15 years. He has held officer positions for the last 5-6 years and is the current Fire Chief. He also has both FF1 and FF2 training.

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

It is so ordered.

4. A motion was made by Commissioner Rousseau and seconded by Commissioner Laubach to approve the issuance of Order# 0-07-2021 to prohibit entering or remaining in or on the water of Cedar Bayou and the lands nearby, including Vinson Slough, while dredging activities are underway; to set forth provisions related to trespassing upon public lands and waters; designating the area of jurisdiction; deeming the violation or failure to comply with this Order to be a Class C Texas Parks and Wildlife misdemeanor and/or a misdemeanor subject to punishment under Section 30.05 of the Texas Penal Code; providing penalties for violations; and providing for publication and an effective date.

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

It is so ordered.

COUNTY REPORTS

5. A motion was made by Commissioner Laubach and seconded by Commissioner Rousseau to approve certifying Cyber Security Training completion report, as required by HB3834; and authorizing County Judge to sign and submit completion report to the Texas Department of Information Resources.

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

It is so ordered.

6. A motion was made by Commissioner Laubach and seconded by Commissioner Chaney to approve authorizing County Judge to sign a Ground Lease Agreement between Aransas County and Another Chance RFT for a ten foot (10') by ten foot (10') area of land adjacent to the Animal Control Building in exchange for Another Chance RFT's commitment to continue to provide services to needy dogs for an initial term of five years (5) with a possible five year renewal. Question. A roll call vote was taken and the motion carried unanimously.

It is so ordered.

COUNTY AIRPORT

7. A motion was made by Commissioner Rousseau and seconded by Commissioner Casterline to approve allowing the Aransas County Airport to host a Fly-In event on Saturday, July 10, 2021, that will be open to the public, with free admission, and accepting donations to benefit the Aransas County 4-H Club with additional donations anticipated to cover any costs incurred by the airport.

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 Casterline and seconded by Commissioner Chaney 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 he would explain why the court was voting on this and the next item that look identical to the ones they voted on two weeks ago. Mr. Reid said that they were the same easements that were voted on two weeks ago but that the version of the documents that were in the Commissioners Court packet was an outdated version and when we realized that we thought it best to bring it back to the court. Assistant County Attorney Jen O'Steen added that her office approved the (minor) changes on which opposing counsel insisted.

Commissioner Rousseau reiterated that when this easement was discussed two weeks ago, she had a concern about the large oak trees that were there and she read from Aransas County's Ordinance 1-2010 Restricting the Clear Cutting of Live Oak Trees. The County states in its Purpose and Scope that "Windswept Oak Trees are considered a special natural resource to this area, shaped

and created by forces of nature, and are irreplaceable. Windswept Trees provide character and beauty to the community, and the special preservation of such trees benefit the community." The reason she opposed this item last time - and will vote against it again - is because, in a conversation with Mr. Reid about the easement and where it would be located on this property, she was informed that there would be four large oak trees that would be taken down and she still has that concern. Commissioner Casterline stated that he didn't think she'd find any windswept oak trees on this property. Commissioners Chaney and Laubach asked Mr. Reid if the committee had looked at it. Mr. Reid stated they had not, that the County is exempt from the ordinance. He also stated that the County is paying to replace trees (as a part of the \$20,000 payment). Judge Mills asked if there was further discussion. There was not.

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 continued concerns about removing the four large oak trees from the easement.

It is so ordered.

9. A motion was made by Commissioner Casterline and seconded by Commissioner Chaney 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.

CONTRACTS, AGREEMENTS, GRANTS & LEASES

10. A motion was made by Commissioner Laubach and seconded by Commissioner Casterline to approve Resolution #R-09-2021, authorizing the award of an Environmental Services Contract to Phase Engineering, Inc. in the amount of Two Thousand Two Hundred Dollars (\$2,200.00) for the proposed medical facilities site located at 400 Enterprise Drive (Community Development Block Grant-Disaster Recovery [CDBG-DR] Project 20-065-098-C270) and authorizing County Judge to execute all necessary documents. Question. A roll call vote was taken and the motion passed unanimously.

It is so ordered.

11. A motion was made by Commissioner Rousseau and seconded by Commissioner Casterline to approve authorizing the County Judge to provide a letter of support and matching funds, in the amount of \$50,000 from Aransas County Go Mesa Funds, for a Coastal Erosion Planning & Response Act (CEPRA) Grant (Cycle 12) through the Texas Parks & Wildlife Department for preliminary engineering, under United States Corps of Engineers (USACE) permit for Shoreline Restoration or Newcomb Point Property.

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

It is so ordered.

12. Item was struck from the agenda.

13. A motion was made by Commissioner Rousseau and seconded by Judge Mills to approve granting a license to AEP Texas Inc., for a term of 5 years, which will allow AEP Texas Inc. to utilize portions of Aransas County Airport as a staging area in case of a natural disaster or other emergency.

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

It is so ordered.

After the vote, Airport Manager Mike Geer thanked the Court for their approval of this license to AEP. He also shared how John Wendell Road was bad before the hurricane but got worse afterwards from heavy vehicular traffic but that AEP wrote the County a check for \$80,000 to redo the road and another for \$8,000 to cover dirt work remediation to restore where the ground had been disrupted from the stacking of poles.

PLANNING & BUDGET

14. A motion was made by Commissioner Rousseau and seconded by Commissioner Casterline to approve the May 2021 Indigent Health Care Report.

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

It is so ordered.

15. A motion was made by Commissioner Casterline and seconded by Commissioner Chaney to approve authorizing County Judge to sign the Agreement to Provide Medical Services for Aransas County Employees and Prospective Employees with Rockport Physical Medicine P.A., a Texas Professional Association, and Back In Motion, LTD, dba Hawkins Chiropractic, a Texas Limited Partnership to establish rates for necessary services which include drug and alcohol testing.

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

It is so ordered.

16. A motion was made by Commissioner Casterline and seconded by Commissioner Rousseau to table the Renewal Agreement with Texas Association of Counties (TAC) for Employee Health Insurance for the 2021-2022 Plan Year.

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

It is so ordered.

17. A motion was made by Commissioner Chaney and seconded by Commissioner Laubach to approve a Refund Request in an Application for Tax Refund of Overpayment in the amount of \$3,123.57 for Kumari Neelam, for Stripes #9391, due to Overpayment of 2020 Property Taxes.

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 Chaney to approve County Auditor Jacky Cockerham's request for the creation of an additional Assistant Auditor position to the County Auditor's Department. Per Ms. Cockerham, the new position is necessary in order to assist with the additional workload to the County Auditor's Department due to ongoing Accounts Payable/Grant/FEMA/American Rescue Plan processing. The salary and benefits for the new position will be funded by Grant Administrative Fees and FEMA reimbursements. Commissioner Rousseau had a concern that the job and title description did not reflect that the grant administration/FEMA reimbursement aspect specific to the position and asked to amend

the motion to approve the request with a job title and description change. The amended motion was seconded by Commissioner Laubach. Question. A roll call vote was taken and the amended motion passed unanimously.

It is so ordered.

19. A motion was made by Commissioner Laubach and seconded by Commissioner Casterline to approve the District Clerk's office redistribution of duties to ensure cross-training of deputies with the following revised job descriptions and pay groups: Deputy District Clerk Courtroom & Tax Administrator from Group/Step 11-6 to Group/Step 13-2; Chief Deputy District Clerk for County Court at Law-Family Law from Group/Step 11-7 to Group/Step 13-3; Deputy District Clerk Bookkeeper/Child Support from Group/Step 13-15 to Group/Step 16-9; Deputy District Clerk from Group/Step 12-6 to Group/Step 13-4; Deputy Clerk Part Time (adding additional duties); Chief Deputy District Clerk from Group/Step 18-12 to 19-10; Deputy Chief District Clerk Court Administration from Group/Step 16-7 to Group/Step 18-3.

Commissioner Rousseau, in response to District Clerk Pam Heard's budget neutral statement, stated that while these changes are budget neutral now, when you replace that worker, there is a real potential for salary creep. For example, if you take an 11-6 and move to a 13-2, it's the same dollar amount. But, when you replace that worker, if you start at an 11-1, that amount is \$29,685, but now the person will start as a 13-1 (at the least) and the amount is \$32,767 - almost \$3,100 extra (at a minimum) and collectively, the end result of these six changes - if those positions become empty at some point in time and are rehired - the increase in salaries is over \$19,000 and that's just to replace them. So, it's only budget neutral at this point in time with the existing people at their particular steps.

The District Clerk said she understood what Commissioner Rousseau said but she also relayed that the last time these positions analyzed by an outside company was when Glenn Guillory was County Judge and they assessed the amounts based on file clerks not on court clerks. It was Ray and Associates. When I asked Ms. Ray exactly what would cause one job to be worth more in my office because I thought they were horribly low, she said, "Oh, you mean like someone who opens the mail or goes to the bank?" And, of course, what I mean is someone who would sign a writ to have somebody put to death or to take life or liberty - the things that we do every day - putting people in jail or commanding the sheriff to go seize property. They were never properly assessed.

Commissioner Chaney: Pam, if you were going to replace a deputy district clerk bookkeeper/child support, you would not start them at 16-9, would you?

Heard: I would. They're doing two jobs. I would start them at 16-9. Commissioner Rousseau is correct but these jobs have never been properly assessed. We've added new job duties. We've added cross-training to make sure that nothing is dropped.

Commissioner Laubach: So, you wouldn't try to replace them at less than 16-9 because that's what you need currently in the position.

Heard: Exactly.

Laubach: So, if there is some built-in salary creep, it's already baked in the cake, so to speak, because you've already found that you need to pay that much to get the people you're using now?

Heard: It is. And, that's the point - that the pay should match what the jobs actually are.

Chaney: My concern is that you have someone who has been in the job for 10-15 years and you would hire a new person for that job who doesn't have that skill and experience at the same rate.

Heard: Well, again, the way that I see this is we're paying somebody to do the job - which requires hiring somebody pretty specialized.

Laubach: You wouldn't just take somebody off the street with no training. You would insist on somebody with experience in another office.

Chaney: But, if you for some reason, God forbid, lost three employees at the same time and there was nobody in the area at that time that had the skill level of the employees you lost, you would not bring them in at the same salary as you were paying the skilled employees - would you?

Heard: I would. What I have found in the past is that when I've had to advertise in the paper, if I advertise the salary, I get people working in the housekeeping and food service industries. Not that there's anything wrong with that. However, if I post the actual job duties, I get people who make four or five times what I make in a year. And, I've been doing this for 20 years so I know exactly what all these people have to do. And then their jobs change every two years when the legislature meets. So, the bottom line is: the pay groups were low in the beginning and we're just cleaning them up. I think these are all proper.

Commissioner Casterline: I would like to withdraw my second. I think we need to look into this deeper than what we're doing right now.

Commissioner Rousseau: I would also like to say - and I am not saying anything against the District Clerk's office - they do amazingly complicated work and I don't even know everything they do but I know when they were sharing the Treasurer/Auditor/HR space after Harvey it was just amazing and they were doing it pretty much from one desk with three or four people. Also, I'm not too much in favor of salary surveys either because, depending on what questions you ask or how they surveys are worded, I'm not sure you're getting a very good response. Plus, that survey from Ray and Associates or whomever, was well over 10 years ago. And, while I'm also not saying that the people there are not deserving of these step changes, I just want it to be noted that if you go from one group to another group, I don't think you can hire in a person at 16-9. I don't think that the handbook allows that. You might be able to hire them in as high as a 16-3. I didn't really look at that. But, you're right, the salaries do not reflect the requirements of that position. I'm just pointing out that, at this point, it might be budget neutral, but down the line it isn't.

Heard: Correct. I'd also like to point out that there have been several departments that have done this and I've used the exact same wording.

Rousseau: You're exactly right. There have been.

Heard: And, I just feel that it's only fair to provide the same consideration across the board for all the departments.

Rousseau: And, I'll second the motion in lieu of Commissioner Casterline.

Heard: Thank you.

Question. A roll call vote was taken and the motion passed on a split 3:2 vote (with Casterline and Mills dissenting).

It is so ordered.

20. A motion was made by Commissioner Rousseau and seconded by Commissioner Casterline 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 Judge Mills and seconded by Commissioner Rousseau to approve the Accounts Payable and Payroll/Payroll Liabilities. Auditor Jacky Cockerham pointed out that this payroll also includes the 1.1 million dollars for the EDA - the Little Bay Primary Building. That will be reimbursed. We have to pay it and then we'll request the reimbursement - and they have been turning them around pretty quickly.

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

Commissioner Laubach apologized for completely missing the Workshop this morning on the employee health insurance issue. No excuse, she just clean forgot.

Commissioner Chaney asked that the Employee Committee look at how we handle things like mid-budget step increases for new hires. He thinks Commissioner Rousseau is right, and that our hiring of new people should not be forced to go in at the same wage as the people

that have left, and that that's something we really need to look at between now and the acceptance of the budget.

County Clerk Arrington: Commissioner Chaney, I think Commissioner Rousseau was correct, according to our Handbook, you can't hire somebody in above a step three.

Rousseau: Linda, is that the way it still reads?

HR Director Linda Doane: Yes, you can't hire somebody in above a step three without Commissioners Court approval.

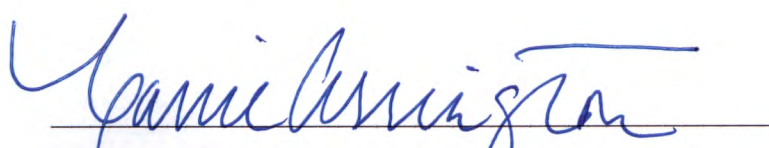
Rousseau: Thank you.

Judge Mills asked if anyone else had anything to say before they went into closed session. No one did. The Court went into Closed Session about a real estate issue at 10:15 a.m. and returned back into Open Session at 10:40 a.m. There was no action.

No further business presenting, the Court adjourned at 10:41 a.m. on a motion duly made by Commissioner Casterline and seconded by Commissioner Chaney.



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



CARRIE ARRINGTON, EX-OFFICIO CLERK
COMMISSIONERS COURT

