



MINUTES

Aransas County Commissioners Court

9:00 AM – Monday, November 22, 2021

The Aransas County Commissioners Court met in **Regular Session** on Monday, November 22, 2021, at 9:00 AM, in the Aransas County Courthouse, 2840 Hwy 35 N, Rockport, Texas.

Present: **Leslie Casterline**, Commissioner, Precinct 2, serving as County Judge Pro Tem
Jack Chaney, Commissioner Precinct 1-1A
Pat Rousseau, Commissioner, Precinct 3
Wendy Laubach, Commissioner, Precinct 4

Absent: **C. H. "Burt" Mills, Jr.**, County Judge

I. Call to Order & Pledges

The meeting convened at 9:00 AM, followed by pledges to the American and Texas flags.

II. **The Invocation** was given by County Surveyor Jerry Brundrett.

III. **Roll Call** was taken.

IV. **A Quorum was declared**, and the following proceedings were had and done, to wit:

V. Citizens to be Heard –

1. **Jatin Bhakta, Aransas County Partnership Economic Development Corporation (EDC) Chairman**, spoke to clear up a couple of misstatements that were made concerning the EDC during recent two recent Aransas County Commissioners Court Special Meetings.

- *During the November 15, 2021 Special Meeting, it was stated that an EDC member was involved in the dealing of the urgent care transaction.*

Per Mr. Bhakta: The current building owner (of that former urgent care facility) is not an EDC member nor is the broker who has listed that property. EDC has in no way been involved with the County's micro hospital or the medical facilities being considered. There are no backroom deals being made—as had been referenced by a citizen. I know a few citizens have reservations about the EDC, but I wanted to make sure to clear up the facts.

- *During the November 4, 2021 Special Meeting, a public input session on Chapters 381 and 311, it was mentioned, by a Commissioner, that the County should not be in the business of picking winners and losers.*

Mr. Bhakta: I assure you, the only winner here are the citizens of Aransas County. These agreements do not tip the financial scale to make a business profitable. Businesses have to justify success of their venture without abatements.

Abatements are short-term relief to satisfy infrastructure needs, hiring of additional work force, or any other areas of need. As Mr. Meek pointed out, abatements have a variety of flavors, and if the County decided to minimize their risks, they can be structured to be front-loaded. The developer would front all of the costs of the county (or the City) with reimbursement over time.

VI. Presentation

1. **Kevin and Amy Biddle, owners of Cocahoe RV Park**, addressed the Court for the second time about stray bullets in their RV park. (The first time they brought this issue to the Court was on August 23rd of this year.) This time they brought copies of photographs, along with dates and descriptions of four such incidents on which they were able to collect bullet evidence, plus a list of the steps they've taken to try to have this frightening problem resolved, including the three cases they've filed.

We've talked with the Sheriff's office and the game warden. We know that the Sheriff has taken some action to bring more public awareness to this reckless gunfire problem in Aransas County and we are very thankful for that. He recently did an interview with KRIS 6 News on it; he also posted it on his Facebook page. But, still, over this past weekend, in our area, from evening through early morning, you could hear partying and gunfire so I don't know if they didn't watch the news or see the Facebook post. Regardless, we believe that citizens of Aransas County, and also visitors here, deserve to be safe and that we should be able to live without fear of bullets raining down on us. Public safety action is needed before someone is hurt or, heaven forbid, killed.

By the way, this gunfire happens any time, night or day, and on weekdays and weekends. We call the Sheriff when we hear it, but by the time the Sheriff arrives the shooting has stopped—so it's difficult to catch these shooters. A couple of them have been caught in the years past though. Also, even though we have three cases filed with the Sheriff's office, we don't know if they have tracked down who is doing this shooting. Or, if they have, they haven't told us. Keep in mind, that there have been many other occasions when we have heard bullets flying overhead, but we have not been able to track any of those bullets to where they actually landed or struck to know whether they were on our property or on someone else's.

We have driven around to try to pinpoint where the shots are coming from but, I guess, the issue is (we've been told) that unless law enforcement actually catches someone shooting in your direction, there's nothing they can do about it.

Some of this could be some shooting into ponds. There's a lot of ponds from pits dug. Maybe some people don't believe bullets will ricochet off of water but they do and there's YouTube videos to prove that. But, a lot of people will argue with you on that...We just feel that it's time, that the county needs to act to promote public safety because it's only getting worse. Section 235.022 of the Texas Local Government Code provides that the commissioners' court of county, by order, may regulate and/or prohibit the discharge of firearms on lots that are 10 acres or smaller and which are located in subdivisions which have been platted and filed for record. We'd like the County to do that. As citizens, I don't think that we can do anything more than we're already doing on this. We need the County's help.

Next, **Stanley and Kimberly Ward, from a neighboring property on Adolfo Road**, who also addressed the Court back on August 23rd, addressed the Court again about their continued concerns for safety in the County. Mr. Ward voiced his frustration about the ongoing reckless shooting in the area and the lack of any action to end it.

We know where the shootings were coming from. The question is, what can we do about it? I have some ideas.

People are shooting automatic weapons and 30-40 rounds at a time. The bad part is that, recently, my wife and I were sitting on our property, in our little golf cart, and several bullets whizzed past us. We probably had 10-15 rounds ricochet on the ground next to us. On that day, I decided to do something about it. I know that you have advised us not to do anything on our own, but the fact of the matter is that, so far, law enforcement has not been able to do anything. Like our neighbors just said, these people shoot and by the time law enforcement comes around the shooting is done. And, the all too often response that we get is that they (law enforcement) can't do anything without, literally, catching somebody in the act of committing that crime. Yah, they can talk to the people who were shooting but then the people say: no, it wasn't us. There's nothing they can do unless you have enough evidence to go to court where you can subpoena people and their firearms to match it to a bullet. It's the same old thing, there's nothing they can do.

But we do have a law, and the law's real clear. It's already a Class C misdemeanor if the bullet leaves your property line. And, second time's Class B, so there are steps of progression. It can be done. But, once again, how do you identify these people? What do we do?

On that day, I was tired of hearing there's nothing law enforcement can do. As citizens we have an obligation to ourselves, to our families, to our neighbors to be safe. Yes, we trust law enforcement. And, we trust the governing authorities to help us with that; but, at the end of the day, when nothing can be done, we're put in a situation where we have to do something. I can assure you all, as an upstanding man and law-abiding citizen, I cannot sit idly and let people who do wrong just keep doing wrong at the detriment of ourselves and our neighbors.

On that day, I knew where the shootings were coming from. I went to my house and I got in my truck and I drove around that side of the block and I video recorded the gentlemen coming out of their backyards with their ARs strapped to their chests. They're all drinking. I wasn't leaving until Sheriffs came there. Of course, I'm calling the Sheriff. I made sure that I was on the road because I didn't want to be on their property. Of course, I was hot. I'm not going deny that. My wife and I just getting shot at on our own property. But, the response was pretty much the same. Deputies can't do anything about it until they catch them in the act. I'm like, hey, I have a video right here five minutes after the shooting stops, guys walking out of the backyard where we know it's coming from. I tell them, look that's them and the rifles are right there in the trunk of that car right there. They're the shooters. I got it on video. And they told us we had to have the bullets off of our property. So, then, we get to the question: If we went through that effort to identify people to have something done. Something. And, we still get, "Well, nothing can be done."

There's already grounds for civil lawsuit since we have property damage—it's a matter of what could be proven in court. We know that. And, as citizens, we're moving in that direction. We're going to do what we need to do to protect our rights to live in this county peacefully. Hey, we moved out into the county because we thought it was a nice peaceful place to live and it still is. I'm not going to be told that because there's a few people out there doing harm, with a blatant disregard for responsible gun ownership and our laws that it's not a good place to live. But, clearly, the laws that we have are practically unenforceable and, I dare say, it erodes our confidence in law enforcement, but I also know that their hands are kind of tied with the current law.

So, what exactly is necessary? You have witnesses right there on the spot, witnessing ricocheting bullets coming from the property right in front of you. You go to the back side of that property, you witness the people. You video record them coming out with ARs strapped to their chests. That's not enough? What are we looking at that IS enough for prosecution? To me, that's ridiculous that that's not enough. That means you're literally asking us to video record the person in the act, where they're shooting. This person, this gun, and you need to record their projectile leaving the property. That's a virtually impossible thing to do. And, that just tells us, yes, the law is not really adequate. So, what can we do?

There are things we can do. Yes. The law is real simple. It's clear. You guys have the authority to regulate under certain acreage. Now, what can that do? There are a lot of regulations you can consider. It doesn't state what the limitations are on the regulations you guys need to consider. I think, obviously, the easiest thing to do to make something tangible, something that's measurable with a better outcome to this situation, is for the commissioners to regulate it. You could limit everybody's ability to use firearms on their property. Yes, I do think that, given the current situation of where the population is moving and how it is growing and with the development in our area, there needs to be an adjustment of what we think about how firearms can be used on property and what property sizes are appropriate for shooting. Yes, I do think that it should be okay not to fire firearms on properties that are 10 acres or less. That's allowed by the state and I don't think that's a big deal even for people like us who like shooting. There are shooting ranges close to our area that people can benefit from. They can go and they can shoot at will in a responsible manner.

If there's an Order in place regulating shooting by property size, it becomes very easy, much easier, to enforce that law. And, it doesn't have to be a Class C misdemeanor if there's a regulation, an Order, in place. You all could place a hefty fine on violating those regulations. A hefty fine, not a \$200 fine. A fine that somebody could respect. It would be easy. It would be way easier to prove that there's shooting from a particular property than proving who pulled the trigger on a particular gun, which is almost impossible to prove. But, a landowner who is allowing shooting from his property on a size acreage that doesn't allow it, that's fairly simple and it would be a much easier thing to prosecute. The properties we've been talking about are 2.5 acre lots. Why can't we have an Order or something like that here? The alternative is, apparently, that nothing gets done—or nothing gets done until a person is injured or killed—which is not acceptable to me as a responsible, upstanding citizen. Having nothing done doesn't work. The age-old saying that all that evil needs to triumph is a good man to do nothing holds true today as it did then and will tomorrow. Unless

something is done—and the law is already there to allow you to do some regulation—we are going to continue to have problems and it will only get worse. We need to figure this out. Is it reasonable to shoot on your property if it is a small property? Is it reasonable to shoot with high power rifles on a small piece of land? What is reasonable? At some point, we can all agree that regulation is common sense. Let's have some decent conversations about this and come up with some reasonable regulations that are easily enforceable and can fix this problem. Something that doesn't just tie our law enforcement's hands. You have the ability to do this. It's already in the law and we need your help. This situation erodes our confidence in the leadership and in our law enforcement because our rights as citizens are not being protected.

I work in a refinery where we deal with millions of man hours every year and large-scale projects, and safety is literally our number one objective every day, every single day. And, there's a lot of studies that have been done and they hold true. You work so many man-hours, you have so many small incidents. Maybe so many small incidents leads to one slightly more significant. You have so many of those, every one of those leads to higher incidents. It's a triangle that goes up. The more significant incidences you have will eventually lead you to a fatality. What's happening here is no different. It's like these incidences are ramping up. And, when law enforcement shows up and they can't do anything. How can it do anything except embolden these people? They already know that it doesn't matter what their neighbors think or what law enforcement may or may not think because, when they show up, they can't do anything.

Commissioner Casterline: *I think we should ask our legal department to look into what other counties have done and bring it back to the Court.*

County Attorney Amanda Oster: *I do want to thank you. You have a very well thought out argument, and I think that this is something that we should look into.*

VII. Items for Deliberation and/or Action –

Consent Agenda:

2. Minutes from the November 4, 2021 Special Meeting
3. Minutes from the November 8, 2021 Regular Meeting
4. Minutes from the November 12, 2021 Special Meeting
5. Minutes from the November 15, 2021 Special Meeting
6. Donation of blankets, valued at \$100.00, to be distributed by the Aransas County Assistance Department to Aransas County residents in need

Motion by Commissioner Rousseau to approve the Consent Items; seconded by Commissioner Laubach.

Vote: Motion carried 4-0; it was so ordered.

County Reports:

- Jennifer Day, Executive Director, gave the 3rd Quarter HOT Funds Report for the Rockport Cultural Arts District.

Motion by Commissioner Chaney to approve the 2021 3rd Quarter Hot Funds Report for the Rockport Cultural Arts District; seconded by Commissioner Laubach.

Vote: Motion carried 4-0; it was so ordered.

- Aransas County Adult Sexual Assault Response Team

Motion by Commissioner Laubach to approve the issuance of Order #O-17-2021 which Establishes the Aransas County Adult Sexual Assault Response Team; setting forth requirements regarding the composition of the Team, meeting and attendance requirements, procedures to fill vacancies, the development of protocols, reporting requirements, and confidentiality; and providing for an effective date; seconded by Commissioner Chaney.

Vote: Motion carried 4-0; it was so ordered.

County Airport:

- Airport Fly-in Extension

Motion by Commissioner Chaney to approve allowing Airport Manager to include Sunday, December 12, 2021 to the fly-in which was previously approved by Commissioners Court on November 12, 2021; seconded by Commissioner Rousseau.

Vote: Motion carried 4-0; it was so ordered.

County Roads:

- Request to Abandon Alleyway ROW (**not an action item**)

Preliminary discussion regarding a request to abandon an alleyway right-of-way in North Bellevue Addition, Block 8, Lots 1-6

- Road and Bridge Grant Application to TxDOT Highway Safety Improvement Program

Motion by Commissioner Rousseau to approve allowing Aransas County Road and Bridge staff to submit a grant application to request funding for road improvements to the Texas Department of Transportation Highway Safety Improvement Program; seconded by Commissioner Laubach.

Vote: Motion carried 4-0; it was so ordered.

Environmental Health:

- Aransas County Tree Committee

Motion by Commissioner Rousseau to approve the issuance of a Resolution #R-29-2021, Appointing the members of the Aransas County Tree Committee as follows: Vic Rhoads for Precinct 1-1A, Ed Hegan for Precinct for Precinct 2, Shelly Schubert-Steckler for Precinct 3, Debbie Griffith for Precinct 4, Betty Stiles as the County Judge nominee, and Pat Rousseau as the ex-officio member on behalf of the Commissioners Court with the initial terms of service to be determined by a drawing of lots; seconded by Commissioner Laubach.

Vote: Motion carried 4-0; it was so ordered.

County Elections:

13. Joint Primary and Runoff Elections

Motion by Commissioner Rousseau to approve Resolution #R-28-2021, a Joint Resolution for Joint Primary Election to be held on March 1, 2022 and the Joint Primary Runoff Election, if necessary, on May 24, 2022; seconded by Commissioner Laubach.

Vote: Motion carried 4-0; it was so ordered.

Contracts, Agreements, Grants & Leases:

14. Master Services Agreement with Spectrum Enterprise

Motion by Commissioner Rousseau to approve amending Aransas County Master Services Agreement with Spectrum Enterprise to all services at the Aransas County History Center, at a cost of \$114.98 per month plus applicable federal and state surcharges; seconded by Commissioner Laubach.

Vote: Motion carried 4-0; it was so ordered.

15. Authorize County Clerk to Seek Additional Grants

Motion by Commissioner Laubach to approve authorizing the County Clerk to seek additional grants for the remaining funds needed (approximately \$1,000,000) to complete a record archiving project for County Clerk records to facilitate public records access and to preserve records to TSLAC (Texas State Library and Archives Commission) standards as required by law; seconded by Commissioner Rousseau.

Vote: Motion carried 4-0; it was so ordered.

16. Tyler Eagle Recording Software

Amended Motion by Commissioner Laubach to approve a Five (5) Year Agreement with Tyler Technologies for Tyler Eagle Recording Software at an annual cost of \$39,949.00 for the County Clerk's Office (amended to make approval contingent on IT Director's final review and approval); seconded by Commissioner Rousseau.

Vote: Motion carried 4-0; it was so ordered.

Planning & Budget Office:

17. Treasurer's Report

Motion by Commissioner Chaney to approve October 2021 Treasurer's Report; seconded by Commissioner Rousseau.

Vote: Motion carried 4-0; it was so ordered.

18. County Employee Handbook Revision – Holiday Pay

Motion by Commissioner Rousseau to approve the Proposed Revision to the Aransas County Employee Handbook regarding Holiday Pay for County Employees as recommended by the County Benefits Committee and the County Handbook Committee; seconded by Commissioner Laubach.

Vote: Motion carried 4-0; it was so ordered.

19. County Employee Handbook Revision – Steel Toed Boots

Motion by Commissioner Chaney to approve the Proposed Revision to the Aransas County Employee Handbook regarding Reimbursement Policy for Steel Toed Boots for County Employees as recommended by the County Benefits Committee and the County Handbook Committee; seconded by Commissioner Rousseau.

Vote: Motion carried 4-0; it was so ordered.

20. Budget Line Item Transfers and Amendments

Motion by Commissioner Chaney to approve Budget Line Item Transfers and Amendments; seconded by Commissioner Rousseau. (There were none.)

Vote: Motion carried 4-0; it was so ordered.

21. Accounts Payable and Payroll/Payroll Liabilities


Motion by Commissioner Chaney to approve Accounts Payable and Payroll/Payroll Liabilities; seconded by Commissioner Rousseau. (Accounts Payable was high this time, per Auditor Cockerham, since it included Treasurer's \$2M investment, \$1.357M of grant-reimbursable payments, and \$614K settlement payment to David Earl.)

Vote: Motion carried 4-0; it was so ordered.

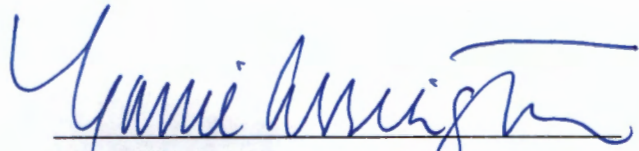
VIII. Reports from Commissioners, Elected Officials & Department Heads – No action will be taken – There were none.

IX. Adjournment

No further business presenting, the Court adjourned at 10:56 AM on a motion duly made by Commissioner Rousseau and seconded by Commissioner Chaney.



C. H. "Burt" Mills, Jr., County Judge



Carrie Arrington, Ex-Officio Clerk
of the Commissioners Court

