



MINUTES

Aransas County Commissioners Court

9:00 AM – Monday, January 10, 2022

The Aransas County Commissioners Court met in **Regular Session** on Monday, January 10, 2022, at 9:00 AM, in the Aransas County Courthouse, 2840 Hwy 35 N, Rockport, Texas.

Present: **C. H. "Burt" Mills, Jr.**, County Judge
Leslie Casterline, Commissioner, Precinct 2
Jack Chaney, Commissioner Precinct 1-1A (*by Zoom from his hospital bed*)
Pat Rousseau, Commissioner, Precinct 3
Wendy Laubach, Commissioner, Precinct 4

Absent:

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 – Scott Hime expressed strong concerns about a toxic waste dump he believes is a problem for Aransas County.

His statement to the Court:

We have a toxic waste dump in Aransas County. For almost 30 years, mercury-laden sludge was pumped from San Patricio County into Aransas County, and dumped into open-air pits next to Port Bay. San Patricio got \$71 Million per year in economic benefit, and we got the toxic waste. Point Comfort/Port Lavaca became one of the largest superfund sites in history, due to this same waste compound from alumina production.

Sherwin Alumina filed for bankruptcy in 2016. TCEQ bluntly stated in court documents that they were attempting to step away from their environmental liability. In legal proceedings, Sherwin themselves admitted that there is a massive environmental liability attached to this waste dump. The court documents estimate that the environmental cleanup on Pond #1 alone would be at least \$10 Million. There was a possibility of getting money from their parent company, Glencore, but no one from this county took a seat at the table in the bankruptcy negotiations.

The facts of the toxic waste's existence are well documented fact, so no prevarication or misdirection is possible. The bankruptcy took place in 2016, well before Hurricane Harvey, so no excuses are available. I have provided this community with satellite photos showing blood-red, contaminated bayous that were flushed out by Hurricane Harvey, and there is no place the contaminants could have gone but straight into Port Bay.

I am here today not to request, but to demand that this Court make a public commitment to an investigation, and to formulating a plan of action for remediation. And to demand that the County Judge make a public declaration this week that, if reelected, he will commit to making cleanup and fiscal accountability for the responsible parties his top priority until the problem is solved.

There should be automatic acceptance to this demand from each and every one of you. There is no legitimate reason to resist. I fully expect one or more of you to tell the local newspaper, "There is nothing we can do." The fact is, you wield a great deal of power and influence, and state agencies listen to you when it comes to issues like hurricanes and toxic waste dumps. If you decline to get involved, the people of this county will ask "why?" Soon enough, reporters and environmental groups will be here asking why.

VI. Presentation – San Patricio-Aransas Counties Upcoming A&H Show

1. Youth representatives of our local 4-H invited the Judge and Commissioners to the upcoming San Patricio-Aransas Counties Agriculture & Homemaking Show, January 22-28, 2022. They spoke about the various categories in which they would be competing and, when asked, their successes from the previous year.

VII. Items for Deliberation and/or Action

Consent Agenda:

2. Minutes from the December 27, 2021 Regular Meeting
3. Terms for Commissioners Court for 2022 – 2nd and 4th Mondays (or Tuesday if that Monday is a holiday), except during the month of August when Court will be held every Monday
4. Terms for Statutory County Court for 2022 – two terms: January to June and July to December
5. Terms for Justice of the Peace Courts for 2022 – one month terms beginning the 4th Monday of each month
6. Donation of \$50 from Ronny and Pat Barker for the Aransas County Library
7. Donation of \$1,500 from the Les and Mary Puckett Children's Foundation for the Aransas County Library
8. Donation of \$25 from William and Norma Broadhurst for Aransas County Animal Control
9. Donation of \$500 from South Rockport Neighbors, Inc. for the Aransas County Sheriff's Department
10. Proceeds of \$539.44 from Law Enforcement Partners to the Aransas County Sheriff's Office from calendar sales
11. Continuing Education Transcript of Completion and Compliance with Texas Property Code, Section 6.231(d) for Anna Marshall, Tax Assessor-Collector, more than satisfying the numbers of hours required for completion during her first year in office

12. Nomination of Debra Strothman to replace Debra Corpora as a voting member of the Aransas Pathways Steering Committee

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

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

County Roads:

13. Order #O-02-2022, regarding the petition of Trudy Hutchings

Motion by Judge Mills to approve Order #O-02-2022, regarding the petition of Trudy Hutchings to close, abandon and vacate the platted 60-foot wide portion of Ash Street lying between Lot 16, Block 92 and Lot 9, Block 93, Lamar Townsite, Aransas County, Texas recorded in Vol. 2, Pg. 36 of the Plat Records of Aransas County, Texas, and being more particularly described by metes and bounds on Exhibit "A" and "B" attached to the petition; seconded by Commissioner Laubach.

Following discussion by the involved parties on this proposed Order and the proposed Order associated with agenda item 14, coupled by a request to table both items from Kat Comeaux, **Motion** by Commissioner Casterline Laubach to table items 13 and 14; seconded by Commissioner Laubach.

Vote: Motion to Table carried 5-0; it was so ordered.

14. Order #O-03-2022, regarding the petition of Mary Thornhill (**Tabled, see item 13 above**)

15. Preliminary discussion Preliminary discussion regarding a request to abandon a 60-foot wide road right-of-way on Refugio Taft Road, beginning at the intersection of Refugio Taft Road and Pocket Farm Road (**not an action item**)

16. Preliminary discussion regarding a request to abandon road and alleyway rights-of-way within 1016 W. Sixth St. (Lamar Townsite, Blocks 14 & 15) and a portion of the right-of-way between Blocks 15 & 16 (**not an action item**)

17. Final Plat of Fulton Beach Landings

Motion by Commissioner Casterline to approve Final Plat of Fulton Beach Landings, Unit 1 at 2261 N. Fulton Beach Road from Lets Go to the Islands, Inc. (Richy Ethridge); seconded by Commissioner Chaney.

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

18. Road and Bridge Grant Application Request

Motion by Commissioner Casterline to approve allowing Aransas County Road and Bridge staff to submit a grant application to request funding for updating Aransas County's Hazard Mitigation Action Plan to the Texas Department of Emergency Management's (TDEM) Hazard Mitigation Grant Program; seconded by Commissioner Chaney.

Vote: Motion carried 4-1 (Rousseau dissenting); it was so ordered.

County Elections:

19. Resolution #R-01-2022 for Joint Primary Election

Motion by Judge Mills to approve Resolution #R-01-2022, 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 Casterline.

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

Contracts, Agreements, Grants & Leases:

20. Airport Ground Lease with MS Land and Aero

Motion by Judge Mills to table items 20 and 21 at the request of Airport Manager Mike Geer; seconded by Commissioner Chaney.

Vote: Motion to Table carried 4-1 (Rousseau dissenting); it was so ordered.

21. Releasing Grand Laurent Financial Corporation from it Airport Ground Lease (Tabled, see item 20 above)

22. TDEM Funding for County's costs associated with Winter Storm of February 2021

Motion by Commissioner Casterline to approve authorizing the County Judge to sign the Texas Department of Emergency Management (TDEM) Grant Terms and Conditions necessary to receive funding from TDEM for the Public Assistance for DR-4586 Winter Storm of February 2021 to help cover the County's cost associated with the storm; seconded by Commissioner Chaney.

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

23. Termination of Interlocal with DPS for Election Identification Certificates

Motion by Commissioner Rousseau to approve terminating the Interlocal Cooperation Contract for Mobile Election Identification Certificate (EIC) operations with the Texas Department of Public Safety and authorizing the County Judge to send the termination letter; seconded by Commissioner Laubach.

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

24. Resolution #R-02-2022 Bid Award for Rockport Center for the Arts Parking and Public Facilities Improvement Project

Motion by Commissioner Casterline to approve Resolution #R-02-2022, selecting and awarding the bid for the Rockport Center for the Arts Parking and Public Facilities Improvement Project to Marshall Company, Ltd.; in the bid amount of \$636,723.57; with the Project being funded by Hurricane Harvey Related Disaster Recovery and Mitigation Grant through the Texas General Land Office Contract o. 20-065-098-C270; and authorizing the County Judge to execute necessary documents; seconded by Commissioner Laubach.

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

Planning & Budget:

25. Indigent Health Care Report

Motion by Commissioner Casterline to approve the 2021 Indigent Health Care Report.
Vote: Motion carried 5-0; seconded by Commissioner Rousseau. it was so ordered.

26. Budget Line Item Transfers and Amendments

Motion by Commissioner Rousseau to approve Budget Line Item Transfers and Amendments; seconded by Commissioner Chaney. (There were none.)
Vote: Motion carried 5-0; it was so ordered.

27. Accounts Payable and Payroll/Payroll Liabilities

Motion by Commissioner Casterline to approve Accounts Payable and Payroll/Payroll Liabilities; seconded by Commissioner Rousseau. (Per Auditor Cockerham, there is nothing out of the ordinary.)
Vote: Motion carried 5-0; it was so ordered.

VIII. Reports from Commissioners, Elected Officials & Department Heads – No action will be taken –

Lori Cesar, Director of Animal Control, thanked the community for their generous donations.

- *Their recent food drive (for the animals) brought in about 1,400 pounds of food, and lots of blankets, and lots of toys for enrichment for the dogs that are staying with us. She stated that the stay time for animals is a little bit longer right now, and that she wanted to let everybody know that she and her department really appreciate the support.*

Commissioner Casterline addressed Scott Hime's comments from Citizens to be Heard.

- *The property that (Mr. Hime) he talked about – the Sherwin property, was originally owned by Alcoa.*
- *When Sherwin went into bankruptcy, it automatically went to Alcoa because, when you're involved in something like that, you never get out of the liability.*
- *They have a program with TCEQ to remediate the property.*
- *Part of the remediation—that we have been involved in—is all of the trees that were ground up by our cleanup people. They let us take that material and it was used to scatter out over the top of some of those dikes because I understand that the stuff that's in there is kind of inert, and nothing will grow on it, and there's, historically, a red dust problem but nothing will grow until something organic gets on top of it so they did that for us and surrounding areas. There are other people that grind brush and stuff that they have ongoing deals where they take it there and, for little or no charge, put the stuff there to build up the property.*
- *They supposedly have a plan with TCEQ, and I plan on calling to see if I can get something to do with that.*

- My preliminary look is that there's not the mercury in there as Mr. Hime claims there to be.

(Judge Mills: TCEQ says there's not.)


- The mercury that's in Lavaca Bay actually came from a different plant that was in the same area and I think that's documented.
- So, that's what I know so far about it.

Commissioner Rousseau mentioned that she's been working on a project with the Auditor and the Treasurer.

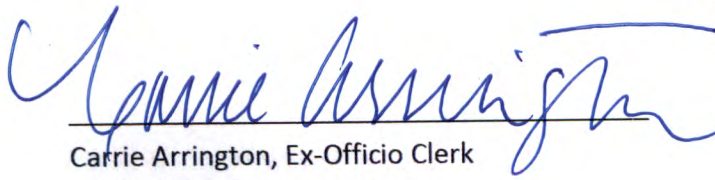
- She stated that they are going to come up with suggested criteria for standardization for the agencies who receive funding from the court, such as the Centers for the Arts, Maritime Museum, Cultural Arts District, and other entities so etc., reporting outside entities so that there is some sort of standardization in the reports that are given on a quarterly or less often basis. That way, we will all be looking at the same information with respect to the different organizations.

X. Adjournment

No further business presenting, the Court adjourned at 10:22 AM on a motion duly made by Commissioner Casterline and seconded by Commissioner Rousseau.



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



Carrie Arrington, Ex-Officio Clerk
of the Commissioners Court

