



MINUTES

Aransas County Commissioners Court

9:00 AM – Monday, July 11, 2022

The Aransas County Commissioners Court met in **Regular Session** on Monday, July 11, 2022, at 9:00 AM, in the Aransas County Courthouse, 2840 Hwy 35 N, Rockport, Texas.

Present: **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

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 Commissioner Jack Chaney.

III. **Roll Call** was taken. **A Quorum was declared**, and the following proceedings were had and done, to wit:

IV. Citizens to be Heard –

Jack Vogel, Lamar resident and firework stand owner, spoke to the Court about the fireworks ban (Order No. O-14-2022 passed in court on June 13, 2022) and talked about how much business he and the other fireworks stand owners lost because of it. He stated that his business was down two-thirds; they did one-third of their normal business. He said there was a misunderstanding of the law and that aerial fireworks (per the law) are only missiles with fins and anything with sticks ("sticks and fins"), but a lot of people here thought the ban was on anything that goes up in the air. He said that the court should know the law and understand what they are passing when they are passing it. There was a lot of misunderstanding and misinformation out there. The court probably didn't mean to mislead people but they seemed to do so and it wasn't fair.

Jeff Hutt, 2201 Prairie Road, stated that Texas boasts the sixth highest property tax burden in the United States and that taxes have increased 181% over the last 20 years alone despite promises by our elected officials to do something about it. He said that property taxes ranked as the number one issue to Texans. He thinks there needs to be changes to the system, mostly with the Appraisal District. He questioned the selection process for Appraisal Review Board (ARB) members versus state statute for it. He stated that all entities which pay into the Appraisal District and supposed to have proportional representation on the ARB but the current method of selection cuts out Rockport, Fulton, Aransas Pass ISD, the Navigation District, Port Aransas ISD, and some of the other districts who pay in. He also

had issues with property tax descriptor, category, and square footage changes without notice or explanation which put taxpayers at a disadvantage if they protest.

Scott Hime, 611 N. Fulton Beach Road, said that he canvassed firework stand owners—including Mr. Vogel—and the deception of the fireworks ban over the 4th of July holiday, in the aggregate, cost these mom-and-pop businesses well over \$100,000 in direct monetary damages in just a few short days' time. Hime said he was sympathetic to the drought we have and the need to try to keep fires down but we can't pass orders that are not according to State statute. It wasn't a lawful order. But, what he was most concerned about is after the Judge was made aware of the problems with the order, law enforcement wasn't instructed properly so they were unlawfully enforcing an unlawful or misleading order. Likewise, citizens seeking to follow the law sought guidance and were given false, misleading information too.

There must be some reason why the law says that there a class of fireworks that you can restrict: fireworks with sticks and fins. It doesn't say that you can prohibit aerial fireworks. You could have passed a local emergency order and said no fireworks whatsoever. I would have respected that because the law provides for that. But, what we have now is "a video that emerged of a law enforcement official really hammering a guy badly about aerial fireworks. It's ugly. And, the guy is quoting the law properly. I was afraid he was going to get arrested before it was over for resisting what the officer was telling him.

The law is the law. If we need a ban that bad, pass the local emergency and cut them completely off. But, you have to understand that, in this situation, these people lost a lot of money. It has to be taken into account.

I get the impression that we wanted an aerial fireworks ban and so the order itself says what the law says—but then there's a press release compressed into a single pdf document up above the actual order that makes it look like anything that goes up in the air is prohibited. It's not lawful.

I understand that you're not experts in fireworks law. I even understand misunderstandings. But, I do think we have a county attorney who should make you aware of those things. And, once you were made aware of them, law enforcement should have known that they didn't have statutory authority to go out enforcing an unlawful order that really doesn't even exist. That's not how it's supposed to work. That's my concern. I commend you for looking out for the state of the drought and the burn ban, but we have to follow the law."

V. Presentations –

1. **Scott Wagert, Chairman of the local Appraisal Review Board (ARB)**, gave a report on the function and protocol of the ARB, which included Responsibilities, Protest Hearings and Sessions, Statistics, and Opportunities to Inform. Twenty-four minutes into his report, Judge Mills asked Mr. Wagert if he could pause for a moment so County Attorney Amanda Oster—who needed to be in District Court—could present her three agenda items. Ms. Oster went over her three items (items 13, 14, and 15). Court actions corresponding to those items are shown below by item number—as if presented in the normal sequence. Afterwards, Mr. Wagert continued his report. Upon its completion, he answered questions posed by the Court.

2. **Jack Wright, Aransas County appointee to the Appraisal District Board (ADB)**, then gave a short report of the structure and protocol of the ADB and its three functions:
 - passing the budget for the Appraisal District
 - comparing the actuals to the budget on a monthly basis
 - performing a human resources review on the Chief Appraiser at the end of the year.

That's it. That's all we do. We used to have a fourth function, we used to vote on and appoint the Appraisal Review Board individuals but that responsibility was taken away by the legislature and given to the District Judges. Oh, we also worry about what the Comptroller's office might conclude when they do their property value study because it does impact us.

Then he touched on the income approach to value income-producing properties, something the comptroller's office started using two years ago, and tried to better define 95% capture for the court, including the challenges the district faces each year of meeting that capture rate—having the county appraised at 95% of the market or greater of what the comptroller determines the value is—when the District doesn't have access to MLS data but the comptroller's office does.

Fortunately, the District has been successful meeting this capture rate even though in some years—last year, for example—we were told we didn't meet the 95%; however, in the end, the District was actually able to prove a capture rate better than the 95% to them. This is very important because the ramifications of missing that mark can prove financially detrimental to the school district. In 2003, we did not get local values to 95% and the effect was that the school district was fined \$750,000 because we had higher property values than were taxed—so we need the values to be right but it's not a very level playing field. Each time there's a new Board of Realtors, we ask them for MLS data access. Generally, we are told no—but we keep asking.

Mr. Wright closed his presentation after answering questions from the Court.

VI. Consent Agenda:

3. Minutes from the June 27, 2022, Regular Meeting
4. Donation to Corpus Christi Medical Center of roughly 4,050 personal protective equipment (PPE) disposable medical gowns, which were originally donated to Aransas County from Texas Department of Emergency Management (TDEM)
5. \$50 donation from Samuel Mayes to Aransas County Animal Control for supplies
6. \$500 donation from Rockport Rockettes to Aransas County Animal Control for gates
7. \$25 donation from Julie Guenter to Aransas County Animal Control for supplies
8. \$10 donation from Anthony Ramon to Aransas County Animal Control for supplies

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

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

VII. County Reports:

9. Burn Ban Extension

Motion by Commissioner Casterline to approve Order No. O-15-2022, an Order of the County of Aransas, Texas, Prohibiting Outdoor Burning for a Period of Up to an Additional 30 days due to the existence of conditions that have created a public safety hazard that would be exacerbated by outdoor burning; seconded by Commissioner Laubach.

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

10. 2nd Quarter Report – Rockport Center for the Arts

Motion by Commissioner Rousseau to approve the 2nd Quarter Report for the Rockport Center for the Arts; seconded by Commissioner Chaney.

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

11. 2nd Quarter Report – Rockport-Fulton Chamber of Commerce

Motion by Commissioner Casterline to approve the 2nd Quarter Report for the Rockport-Fulton Chamber of Commerce; seconded by Commissioner Chaney.

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

12. Jail Commission Report and Letter

Motion by Judge Mills to approve the Jail Commission Report and Letter; seconded by Commissioner Chaney.

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

VIII. County Attorney:

13. Revised Job Descriptions – Paralegal and Senior Paralegal

Motion by Commissioner Laubach to approve revised job descriptions for “Paralegal” and “Senior Paralegal” for the County Attorney’s Office; seconded by Commissioner Casterline.

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

14. Job Description for New Position – Legal Assistant

Motion by Commissioner Laubach to approve a job description for a new position, “Legal Assistant,” who will work in the County Attorney’s Office in place of one of the approved paralegal positions; seconded by Commissioner Casterline.

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

15. Revised Job Description – Contracts and Procurement Specialist

Motion by Commissioner Chaney to approve a job description and position for a “Contracts and Procurement Specialist,” who will work in the County Attorney’s Office while also working closely with the County Auditor’s Office; seconded by Commissioner Casterline.

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

IX. Contracts, Agreements, Grants, and Leases:

16. Resolution No. R-13-2022 (Broaddus & Associates)

Motion by Commissioner Rousseau to approve the adoption of Resolution No. R-13-2022 to select Broaddus & Associates as a provider of Disaster Recovery and Restoration Services and award a contract for a term of one (1) year beginning on July 11, 2022, and ending on June 30, 2023, with the option to renew for up to four (4) consecutive one (1) year terms; seconded by Commissioner Chaney.

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

17. Resolution No. R-14-2022 (Ceres Environmental)

Motion by Commissioner Rousseau to approve the adoption of Resolution No. R-14-2022 to select Ceres Environmental as a provider of Disaster Emergency Response Services and award a nonexclusive contract for a term of one (1) year beginning on July 11, 2022, and ending on June 30, 2023, with the option to renew for up to four (4) consecutive one (1) year terms; seconded by Commissioner Casterline.

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

18. Resolution No. R-15-2022 (Garner Environmental)

Motion by Commissioner Rousseau to approve the adoption of Resolution No. R-15-2022 to select Garner Environmental Services, Inc. as a provider of Disaster Emergency Response Services and award a non-exclusive contract for a term of one (1) year beginning on July 11, 2022, and ending on June 30, 2023, with the option to renew for up to four (4) consecutive one (1) year terms; seconded by Commissioner Laubach.

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

19. Resolution No. R-16-2022 (Derrick Construction)

Motion by Commissioner Casterline to **STRIKE** item 19; seconded by Commissioner Chaney.

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

20. Resolution No. R-17-2022 (Gerke Excavating)

Motion by Commissioner Laubach to approve the adoption of Resolution No. R-17-2022 to select Gerke Excavating, Inc., as the successful bidder for the Bahia Bay Drainage and Outfall Project and authorizing entering into a contract for the work with the project being funded by grant funds received through the American Rescue Plan Act ("ARPA"), and authorizing the County Judge to sign all necessary documents; seconded by Commissioner Casterline.

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

21. Change Request No. 4

Motion by Commissioner Rousseau to approve Change Request No. 4 to formally document \$18,554.00 under Local Funds in the General Land Office (GLO) State Contract #20-065-098-C270. This funding was previously obligated as County Funding. The amount includes \$16,054.00 in Architectural Services for the Community Building and \$2,500.00 in Appraisal Services for the Rockport Center for the Arts (RCA) Parking Lot; seconded by Commissioner Casterline.

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

22. NOT AN ACTION ITEM: Discussion on allowing a sublease agreement with an option to purchase between FPS Recovery and MS Land & Aero for their box hangar, which is situated on an airport land lease at 317 John D. Wendell Rd, Rockport, TX

23. NOT AN ACTION ITEM: Discussion on allowing a sublease agreement, with an option to purchase, between T2J Partners LLC, dba FPS Recovery, and Stewart Legacy Group LLC for a 12 unit T hangar on airport land lease at 4521 Hwy 35 N, Rockport, TX

24. Regional Pool Alliance

Motion by Commissioner Laubach to **TABLE** taking possible action on one or more of a list of actions concerning the Regional Pool Alliance (RPA) in connection with claims arising out of damage from Hurricane Harvey: (1) continue working with RPA to close out all the claims, (2) discontinue the RPA arrangement for any repairs that have not yet begun but maintain the status quo for ongoing projects, (3) discontinue the RPA arrangement except to work with RPA to seek a lump-sum settlement with the insurers, (4) discontinue the RPA arrangement completely and pursue a lump-sum settlement on our own, or (5) something else; seconded by Commissioner Casterline.

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

X. Planning and Budget Office:

25. Indigent Health Care Report

Motion by Commissioner Casterline to approve the June 2022 Indigent Health Care Report; seconded by Commissioner Chaney.

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

26. NOT AN ACTION ITEM: Discuss and receive information on proposals from the public concerning any budget issues, including the possibility of changing the current allocation of Hotel Occupancy Tax (HOT) funds for the year 2023

27. Budget Line Item Transfers

Motion by Commissioner Rousseau to approve Budget Line Item Transfers; seconded by Commissioner Casterline. (Per Auditor Cockerham, there were none.)

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

28. Accounts Payable and Payroll/Payroll Liabilities

Motion by Commissioner Rousseau to approve Accounts Payable and Payroll/Payroll Liabilities; seconded by Commissioner Casterline. (Auditor Cockerham stated that the \$1M payment is securities money from the Treasurer. She also referenced sizeable grant-related payments for June that are included this time: two payments to Teal Construction (\$2,058,716 and \$821,982); \$150,000 to Edoc (for ARPA grant work they are doing for the District Clerk); and around \$221,000 worth of other grant payments.)

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

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

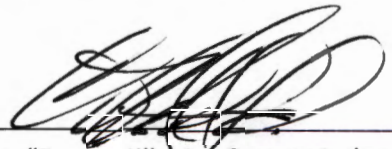
Commissioner Pat Rousseau: *I appreciate having the folks here from the Appraisal Review Board and Appraisal District Board to inform us and the community. But, one thing that I would also like to bring back up—I know we talked about this some months ago when the County Clerk mentioned it—is our local ER 24/7. It's an excellent facility, I am more than glad that they're here, but we still have a problem that for employees or people in the community who are covered under insurance the facility is in-network but the doctor fees are out-of-network—and that is a big hit and a big surprise for someone who has gone to that institution. So, if there's any way we can work with CCMC to get the doctors in-network that would be very good. Thank you.*

Sheriff Bill Mills: *I want to bring a matter before the court for your information. At this time, I don't know where it's going to end up. Jennifer is the County Attorney's office is looking at it now. We got five pages of addendums to the Federal Marshals contract. There were some items in there that are a little concerning to us and we're not sure what prompted it or where it's going to go but, basically, they took out that we would operate under the guidance and guidelines of the laws of the State of Texas and the Jail Commission, and they've asked us to agree to follow federal guidelines and laws and even Executive Orders. And, I've got a problem with that. I don't know what the end result will be, but we are re-wording it and sending it back. This is supposed to be an effort nationwide. They said just a housekeeping issue, cleaning up contracts, but I don't buy all of that. Anyway, Jennifer does have it so if it comes up later, at least you've got an acknowledgement that it's underway and I don't know what the end result will be.*

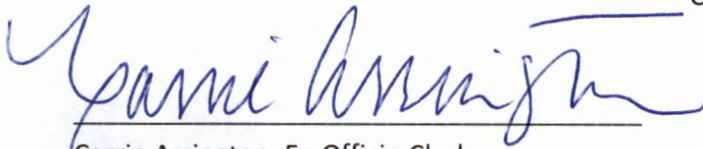
Facilities Director Rene Butler: *Regarding item 24 on the agenda, I did receive an email this weekend as well from Damien on the buildings of the tax office, facilities office, and the Aransas County Adult Detention Center to move forward with the work, so I just want to make sure that we're all on the same page that we're going to do that. We're at a point where we've received the proposals that were given to Kathleen Hicks, so I'm assuming they're having meetings and such and we're at a point, I think, where we have to say we're moving forward with FPS and recovery repair work. As far as what FPS has done for us so far, it has been good.*

XII. Adjournment

No further business presenting, the Court adjourned at 11:21 AM 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

