



MINUTES

Aransas County Commissioners Court

9:00 AM – Monday, September 12, 2022

The Aransas County Commissioners Court met in **Regular Session** on Monday, September 12, 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 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 –

1. Commissioner Rousseau read the following letter in Court, submitted to her by:

Jack Wright, 418 Cherry Hills, Rockport, TX 78382

Remarks for Commissioners Court 9/12/2022

This meeting has an agenda item to consider the approval of the Navigation District's Budget which is this Court's responsibility. The document prepared for your approval by the District is completely devoid of any analysis of the prior year's actuals to budget or the year before that. In fact, at no time in the last 3 years did they compare their actual results to their budget. I submitted a Freedom of Information Act request in March of this year to the District. Among other specific requests, I asked for their study or comparison of the actuals to budget. They were unable to provide it because they don't do it. Meeting Minutes posted on their website do not mention the word budget in the 27 months of information I requested except, for May of 2021, where \$100,000 was added to the Budget for "Little Bay." No other budget review took place. All 3 of the budgets they supplied are just as the copy before you, only what they provided to me were all stamped "proposed".

The budget to be presented for your approval has a cover page indicating that it is for fiscal year 2022-2023. Further evidence they do not understand what they are trying to do. Their fiscal year is the same as a calendar year according to the Audit. Yet they

appear to be trying to combine 2 years or at least more than one 12-month period in the budget for approval. That is completely improper. The budget before you has an increase in expenditures of 42% over FY 2021. Proposed \$5,373,738 vs \$3,775,930, an increase of \$1,573,728. No explanation is provided for the huge increase.

The District has a Fund Balance of nearly \$10 million dollars, three times their average annual expenditures. That represents at least 6 times the Fund Balance to Expenditures ratio of all other Aransas County governmental bodies. And they want to increase spending 42%.

There are only 2 possible explanations for the lack of information provided.

1. They don't have a clue as to their responsibilities with respect to the budget and do not understand the process.
2. They believe that they operate in a vacuum and are not responsible for providing good financial information to the public.

I urge you to reject their budget request until they can properly justify it. What they have asked you to do is an embarrassment and frankly shows they do not respect your position.

2. Four citizens: **Mark Hackett, John Danos, Chris Horn, and Sandy Jefferson**, who are property owners on either Allen M. Parks or Rattlesnake Point Road, each separately voiced concerns they have over the new 1100 space manufactured home development project going in on Rattlesnake Point Road.

Their concerns included: drainage, environmental issues, silt and hydraulic fluid going into Pete's Bend (Copano Bay), lack of project oversight and controls, building up a grade over a natural marshland, incorrect sloping and future flooding, and likely violations of water diversion laws.

They collectively requested that this (issue) be added to one of the upcoming Commissioners' Court agendas so it can be discussed in court soon and addressed.

V. Presentations – There were none.

VI. Consent Agenda

1. Minutes from the August 29, 2022, Regular Meeting
2. Minutes from the September 1, 2022 Special Meeting
3. \$100 donation from Lori Pavlish to Aransas County Animal Control
4. Extended Library hours on October 28th to accommodate their "Monstrous Family Night" event

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

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

VII. County Roads and Floodplain

5. Variance Request on Subdivision Regulations on Minimum Lot Size (S. Kossuth)

Motion by Commissioner Casterline to approve a Request for Variance on County Subdivision Regulations on Minimum Lot Size Requirements to replat 1708-1712 South Kossuth Street from two (2) lots into one (1) lot; seconded by Commissioner Chaney.

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

VIII. Contracts, Agreement, Grants, and Leases

6. Rockport Center for the Arts (RCA) Parking Lot Change Order #3

Motion by Commissioner Casterline to approve the proposed Change Order #3 for the Construction Contract with Marshall Company, Ltd. for the Rockport Center for the Arts Parking Lot, funded by a Community Development Block Grant – Disaster Recovery (CDBG-DR) grant administered by GLO contract number 20-065-098-C270, to increase the term of the contract by adding 23 days to the schedule to allow additional time to complete punch list items, orientation, and inspections; seconded by Commissioner Rousseau.

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

7. Cedar Bayou/Vinson Slough Reopening Project Construction Contract Change Order #5

Motion by Commissioner Casterline to approve the proposed Change Order #5 for the Construction Contract with JM Davidson Ltd. for the Cedar Bayou/Vinson Slough Reopening Project, Project Number 85937, to increase the allowable cost for diesel fuel by \$3.50 per cubic yard to account for increased fuel costs; seconded by Commissioner Chaney.

Per John Strothman: This will allow reimbursement for the contractor's increased expense for diesel fuel to be retroactive back to April 2022. Grant money (from FEMA and Texas Parks and Wildlife) will cover this additional expense.

Commissioner Rousseau expressed some concern about the County making a payment change retroactively. Commissioner Laubach wanted the County Attorney to make sure we don't have a legal issue with a retroactive expense change.

Vote: Motion carried 5-0 (pending the County Attorney's review); it was so ordered.

8. Certificate of Completion and Contractor's Final Payment Affidavit – RCA Parking Lot

Motion by Commissioner Rousseau to approve the Certificate of Completion and Contractor's Final Payment Affidavit from the Marshall Company, Ltd. for the Rockport Center for the Arts Parking Lot Project, which was funded by a Community Development Block Grant – Disaster Recovery (CDBG-DR) grant administered by GLO contract number 20-065-098-C270; seconded by Commissioner Laubach.

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

9. Certificate of Completion of Phase 1, Fulton Beach Road Shoreline Restoration Project

Motion by Commissioner Laubach to approve the Certificate of Completion of Phase 1 for Hazard Mitigation Grant 4332-017 Fulton Beach Road Shoreline Restoration Project; seconded by Commissioner Casterline.

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

10. Routine Airport Maintenance Program (RAMP) Grant

Motion by Commissioner Laubach to allow the County Judge to sign a Routine Airport Maintenance Program (RAMP) Grant with Texas Department of Transportation wherein the Airport will receive 50% reimbursement for grant eligible maintenance expenses for a possible reimbursement of up to \$50,000.00; seconded by Commissioner Rousseau.

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

11. Final Design and Specifications for New Aquarium Building

Motion by Commissioner Casterline to approve the proposed final design drawing and specifications for the New Aquarium at Rockport Harbor building; seconded by Commissioner Rousseau.

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

12. New Request for Bids for Community Building, Plaza, and Parking Lot Project

Motion by Commissioner Casterline to approve issuing a new Request for Bids for the Community Building, Plaza, and Parking Lot Project due to previous bids coming in over budget, with an addition to note that the money for this project is coming from a Community Development Block Grant – Disaster Recovery (CDBG-DR) from the General Land Office (GLO); seconded by Commissioner Chaney.

There was considerable discussion on this item and also concern that we may never get the bids needed to allow completion of this project. Commissioner Rousseau asked if we could not build the plaza or community building and just build the parking lot. The answer to her enquiry was no. Apparently, per the GLO, this project it is an all or nothing at all grant from them.

Amended Motion by Commissioner Rousseau to disapprove and scrap the project; seconded by Commissioner Laubach.

Vote on amended motion: Motion failed 1-4, with Rousseau in favor.

Vote on original motion: Motion carried 4-1, with Rousseau dissenting; it was so ordered.

13. Emergency Dispatch Services Interlocal

Motion by Commissioner Casterline to approve entering into an Interlocal Cooperation Agreement between Aransas County, Texas, The City of Rockport, Texas, and the Town of Fulton, Texas, for Emergency Dispatching Services for a term of up to Three (3) Years, with each party paying for use of services; seconded by Commissioner Chaney.

Commissioner Laubach had concerns with some of the contract language, so she and Assistant County Attorney Jen O'Steen discussed those concerns in court. O'Steen said she was happy with the agreement. Laubach felt that the agreement was not flexible enough or responsive to our needs.

Laubach also had concerns with the resolution process within the contract in the event of an issue, saying it could lead us to a drastically changed allocation of our share that we can do nothing to address except every year, six months in advance of termination—that potentially an entity could quit paying which would cost us more. O'Steen mentioned that the emergency dispatch employees are City of Rockport employees, not County employees, although they are housed in a County building.

Laubach thought we should look carefully at: What happens if somebody stops paying? What happens if somebody objects to the price? What happens if somebody goes broke and stops paying? O'Steen reminded Laubach that we've had this agreement or something similar to it for about 17 years.

Laubach expressed concern about the budget. O'Steen relayed that negotiating changes to the agreement has not been difficult and that the only thing that Rockport and Fulton asked for were revisions related to the percentage of the share that we would pay, which lowered our percentage, and to change the effective date of the agreement; all of the other changes came from me (her) and the other parties accepted them without hesitation; so, if you want more language, please know that I am happy to present it to them and I think they'll be happy to accept them. Laubach then suggested that we table the item until we have a chance to work it all out.

Commissioner Casterline called the question.

Motion by Commissioner Laubach to TABLE the item; however, the motion died for lack of a second.

Vote on original motion: Motion carried 4-1, with Laubach dissenting; it was so ordered.

IX. Planning and Budget Office

14. Indigent Health Care Report – Month of August

Motion by Commissioner Rousseau to approve the Aransas County Indigent Health Care Report for August 2022; seconded by Commissioner Casterline.

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

15. Indigent Health Care Report – End of Year

Motion by Commissioner Rousseau to approve the 2021-2022 End of Year Report for the Aransas County Indigent Health Care Program; seconded by Commissioner Casterline.

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

16. Resolution #R-25-2022 (Program Director for Indigent Defense Grant Program)

Motion by Commissioner Rousseau approve the adoption of Resolution #R-25-2022 Designating Richard P. Bianchi as the Program Director and contact person for the Indigent Defense Grant Program; seconded by Commissioner Casterline.

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

17. New Job Description – Chief Deputy – Sheriff

Motion by Commissioner Casterline to approve a new job description for Chief Deputy-Sheriff at a pay group 25L; seconded by Commissioner Chaney.

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

18. New Job Description – Deputy Chief – Detention Center

Motion by Commissioner Rousseau to approve a new job description for Deputy Chief – Detention Center at a pay group 24L; seconded by Commissioner Chaney.

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

19. Auditor’s Monthly Report

Motion by Commissioner Laubach to approve the August 2022 Auditors Monthly Report; seconded by Commissioner Casterline.

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

20. ACND Tax Rate Levy

Motion by Commissioner Rousseau to TABLE approving the Aransas County Navigation District (ACND) 2022 Tax Rate Levy of NO-NEW-REVENUE RATE of \$0.040434, consisting of a tax for the maintenance, operation, and upkeep of the District at the rate of \$0.030079, and a tax for the Interest and Sinking Fund on outstanding bond obligations at the rate of \$0.010355; seconded by Commissioner Casterline.

Commissioner Laubach asked Harbormaster Keith Barrett’s to respond to Jack Wright’s comments at the beginning of the meeting. He provided his response, which included that the District has already gone through their budget hearings. Per Barrett: They (the District) conducted not less than three open public meeting workshops as well as discussing the budget within three other open public meetings. Those meetings were well-attended and there were many comments at those meetings which brought us to where we are with our budget...We may be the only entity that is going with a No New Revenue rate. He also mentioned that it was a deficit budget by about \$200K. He stated that they have a high Fund Balance out of necessity because of the high cost of items they have to spend money on, such as bulkheads. He also mentioned that over \$1M was already earmarked for matching funds on several large grants they have coming up. He noted that, today, the District is asking the Court to levy the tax (not to discuss the budget) and that these numbers were put together by Tax Assessor-Collector Anna Marshall, to keep us in line with a No New Revenue rate. Tabling this is not going to

change the fact that our budget is a deficit budget but also within the No New Revenue rate and we're going to need those funds to operate the District.

There was further lengthy discussion, much of it revolving around Mr. Wright's statement read in Court and also Commissioner Rousseau's statement about her experience trying to get information from the District, including comparisons of budget amounts to actual amounts at the end of each year that, seemingly, they do not produce. She viewed this as a problem. She also voiced concern that the District's reserve is too large. Again, Mr. Barrett mentioned that this is a request to levy the tax rate and that they had at least five opportunities to discuss the budget earlier.

District Commissioner-at-Large Tommy Moore then got up and addressed the Court, questioning where Commissioner Rousseau finds the position that she oversee an elected body's business by not levying the tax rate stated in the law. Rousseau responded that she wasn't saying that she oversees their business but was requesting, as the liaison to the Nav District, a financial document which she said she had requested of Mr. Barrett long ago that he said he would provide to her but which she still hasn't received. Rousseau stated that she's also asked our Auditor to request reports for me and I don't believe she's had any success either since I haven't received any. Moore asked Rousseau: Where is your concern? Are you concerned that we are not financially viable or we don't do a good job? Rousseau responded: I think you are financially viable, yes. I think the fact that you have so much in your reserves shows you're financially viable.

Commissioner Chaney called the question.

Vote: Motion to TABLE carried 3-2, with Commissioners Chaney and Laubach dissenting; it was so ordered.

Then Tax Assessor-Collector Anna Marshall stated: This vote was just a formality to just present you with their budget. Their budget's already been approved, the tax rate has already been approved, this vote is just so I can levy the taxes which I need to start as soon as I can in order to get the tax bills out by October 1st.

After further discussion, there was then a **Motion** by Commissioner Laubach to UNTABLE the item and consider an alternative process for resolving our budget problems with the Navigation District that doesn't involve obstructing a tax levy; seconded by Commissioner Chaney.

Vote: Motion to UNTABLE carried 3-2 (Casterline and Mills dissenting); it was so ordered.

Commissioner Laubach: Now, I think we need to discuss what we can do in the way of resolving our issues with the Nav District's budget process short of obstructing a tax levy.

County Clerk, Carrie Arrington: We need a motion first before a discussion.

Commissioner Laubach: I move that we undertake a process to resolve our budget issues with the Nav District and yet, move today, to approve the tax levy so as to meet the deadline.

County Clerk Arrington: Don't we have to go by what the agenda item states?

Assistant County Attorney Jen O'Steen: Yes. I was just getting ready to say that our agenda item is limited just to the levy of the No New Taxes rate. I would ask that we talk after the meeting about putting a future item on the agenda, if you want to discuss matters outside of levying the tax rate.

Motion by Commissioner Laubach to approve the Aransas County Navigation District (ACND) 2022 Tax Rate Levy of NO-NEW-REVENUE RATE of \$0.040434, consisting of a tax for the maintenance, operation, and upkeep of the District at the rate of \$0.030079, and a tax for the Interest and Sinking Fund on outstanding bond obligations at the rate of \$0.010355; seconded by Commissioner Chaney.

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

21. 2023 Salaries, Expenses, and Other Allowances for Elected Officials

Motion by Judge Mills to approve 2023 Salaries, expenses, and other allowances for elected officials; seconded by Commissioner Casterline.

Vote: Motion carried 3-2 (Rousseau and Laubach dissenting); it was so ordered.

22. 2023 Budget

Motion by Commissioner Casterline to adopt the 2023 Budget. THIS BUDGET WILL RAISE MORE TOTAL PROPERTY TAXES THAN LAST YEAR'S BUDGET BY \$666,363.00 OR 5.03% AND OF THAT AMOUNT, \$382,356.00 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR; seconded by Commissioner Chaney.

Commissioner Casterline asked about two of the groups requesting HOT (hotel-motel occupancy tax) funds—one was the Hotel Association who requested \$16K, the other was rockportfulton.com who requested \$4K. Commissioner Laubach asked: When we are approving the budget, are we also approving the HOT fund allocations we talked about. Auditor Cockerham: Yes. Commissioner Casterline: My recommendation is that we do not fund either the Hotel Association or rockportfulton.com, so I am amending my motion to be minus those two HOT fund requests. Commissioner Chaney seconded that amended motion. She worked through them with Auditor Cockerham but wanted to eliminate the PIO (Public Information Officer) position since those duties were reassigned to the County Judge's Administrative Assistant. Judge Mills stated that he wanted that position left in the budget in case the new County Judge wants a separate PIO. Motion by Commissioner Rousseau wanted to amend the motion to remove the PIO position; seconded by Commissioner Laubach.

It was determined that the vote needed to be three separate votes.

First, Motion by Commissioner Casterline and seconded by Commissioner Chaney to remove the \$16K Hotel Association and \$4K rockportfulton.com requests from the HOT budget.

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

Second, Motion by Commissioner Rousseau and seconded by Commissioner Laubach to eliminate the PIO position from the budget.

Vote: Motion failed 2-3 (Chaney, Casterline, and Mills dissenting).

Third, Amended Motion by Commissioner Casterline and seconded by Commissioner Chaney to approve the 2023 budget after eliminating two HOT funds requests referenced in the first vote on this item.

Vote: Motion carried 3-2 (Rousseau and Laubach dissenting); it was so ordered.

23. Proposed 2022 Tax Rate – **Struck by Judge Mills** (since it is addressed in item 25)

24. Adopting the 2022 Tax Roll and Levy

Motion by Commissioner Chaney to approve adopting the 2022 Tax Roll and Levy; seconded by Commissioner Casterline.

Vote: Motion carried 3-2 (Rousseau and Laubach dissenting); it was so ordered.

25. Resolution #R-26-2022 (2022 Tax Roll, Levy, and Rate)

Motion by Commissioner Casterline to approve the adoption of Resolution #R-26-2022, a Resolution for the 2022 Tax Roll, Levy, and Rate. The total tax rate to be levied for the County of Aransas for the tax year 2022, be and is hereby set, at \$0.358411 per \$100.00 valuation with an assessment ratio of 100 percent, to be assessed and collected by the Tax Assessor-Collector for Aransas County as follows:

a) \$ 0.258605 per \$100.00 valuation for the purpose of the County ad valorem maintenance and operations fund.

b) \$ 0.041266 per \$100.00 valuation for the purpose of the County ad valorem interest and sinking fund.

c) \$ 0.050425 per \$100.00 valuation for the purpose of the County Farm Market/Flood Control maintenance and operations with the resulting levy being split on a percentage basis: 89% designated for the County's Road & Bridge maintenance and operations fund and 11% designated for the Flood Control maintenance and operations fund.

d) \$ 0.008115 per \$100.00 valuation for the purpose of the County Farm to Market/Flood Control FLOOD ONLY interest and sinking fund.

The motion was seconded by Commissioner Chaney.

Vote: Motion carried 3-2 (Rousseau and Laubach dissenting); it was so ordered.

26. Ratifying the Property Tax Increase

Motion by Commissioner Chaney to approve ratifying the Property Tax Increase reflected in the 2023 Budget; seconded by Commissioner Casterline.

Vote: Motion carried 3-2 (Rousseau and Laubach dissenting); it was so ordered.

27. Budget Line Item Transfers

Motion by Commissioner Casterline to approve Budget Line Item Transfers; seconded by Commissioner Chaney. *(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 Laubach. *(Per Auditor Cockerham, Nothing very unusual. Just a few large deposits into the investment pools by the Treasurer.)*

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

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

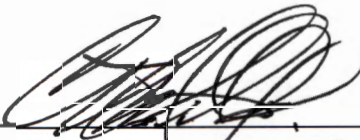
- **Airport Manager Mike Geer** gave an update on the airport grant project involving drainage (the sinkhole project). The project is being managed by TxDOT Aviation. *We are in the bid phase. We had bid opening last week but there were no bids. TxDOT intends to rebid the project exactly as is. If that comes back without any bids, we are going to have to ask the FAA (Federal Aviation Administration) for a waiver because, ultimately, what it's coming down to is the type of concrete we have to use is an FAA spec on the concrete and they won't accept TxDOT specs. We feel like most of the contractors that were asked to bid probably shied away from bidding because of that requirement since that type of concrete is hard to get and is so expensive so it's a variable that nobody can really put a number on what it's going to cost. So, if we're accepted into the waiver process, that'll take us well into 2023 and we can expect that the TxDOT version of the concrete is what we would be asking for and I think we would also ask for an alternate for asphalt.*
- **Animal Control Director Lori Cesar:** *Today at noon starts off the Coastal Bend Community Foundation's free spay and neuter in our area. The streets that were selected this time are Monkey Road, San Antonio Street, and Ft. Worth Street. These streets were identified as a good starting place based on our records. We will start passing out flyers to these residents and, hopefully, we will have a good response to the program. We will add additional areas every two weeks as long as the grant has money in it.*
- **Auditor Jacky Cockerham** reminded the Court that, with her report, they received the June and July fee reports.
- **Commissioner Chaney:** *With all of the discussion on the Navigation District, I think it is time that we request what we can legally request from them on a regular basis because this is just getting out of hand. The only reason I voted for it today was because of what Ms. Marshall said. But, this is a public entity and they need to act like a public entity.*

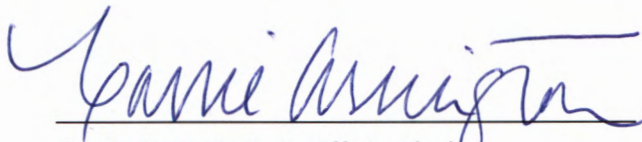
XI. **Closed Session** – The Court went into Closed Session at 10:40 AM.

XII. **Open Session** – The Court returned to Open Session at 10:59 AM. No subsequent action.

XIII. **Adjournment**

No further business presenting, the Court adjourned at 11:00 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