



MINUTES

Aransas County Commissioners Court

9:00 AM – Monday, September 26, 2022

The Aransas County Commissioners Court met in **Regular Session** on Monday, September 26, 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 Pat Rousseau.

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. **Mary Ann Pahmiyer**, President, Fulton Neighborhood Watch, Announced Fulton's Annual Neighborhood Night Out celebration to be held this year on Tuesday, October 4, beginning at 6:00PM. She provided a handout listing all of the planned activities and invited the elected officials to attend.

2. **Jack Wright**, 418 Cherry Hills, Rockport, TX 78382, gave the following remarks:

At the last Aransas County Commissioner's Court meeting, the Navigation District had an Agenda item for this Court to approve its tax rate, which is your legal responsibility. They cannot approve it themselves – No New Revenue notwithstanding. What Harbor Master Keith Barrett attempted to present had no supporting documentation, including the prior year's results nor the year-to-date numbers comparing actuals to budget. Commissioner Rousseau asked for them in advance and they did not comply. That is their MO and has been for years: didn't have time, didn't have enough people, didn't have sophisticated enough software and my personal favorite – just ignore the request. What a crock! The simplest off the shelf accounting software requires only one part-time employee to keypunch receivables, payables and the checkbook function. The same employee can produce these reports with a simple keystroke. And they reside on the system until someone purposefully deletes them.

ALL OTHER GOVERNMENTAL AGENCIES, Town of Fulton, City of Rockport, Aransas County Appraisal District, Aransas County and Aransas County Independent School District produce monthly budget and financial reports for their elected officials and the public to review and study. Every governmental agency, that is, except the Navigation District. There is a conscious decision to keep this Court and the public in the dark – what arrogance! They do not even produce an annual financial statement or completed budget that the public is allowed to see.

They could not or would not answer budget related questions. Tommy Moore, who had arrived late, completely lost his temper asking Commissioner Rousseau, “Who are you to question an elected official?” County Tax Collector Anna Marshall expressed that she could not delay the approval of the tax rate or she would be in violation of the law. You approved the tax rate with the requirement that the District support their budget with analysis and actual results.

Commissioner Laubach asked Mr. Barrett if I had asked for their budget and comparison of actuals to plan with my FOIA request. His response was that I did not. You have before you my request that clearly shows that I did ask for them and the analysis of what I received. I even have his signature with the statement that I received all I asked for. You will see in my analysis that they have not at any time in the last 2- and one-half years revisited the budget to see if they are on target. Both GAAP and GASB audit standards REQUIRE the continual examination of actuals to budget. And yet.

Mr. Moore sent Commissioner Rousseau three documents since the last meeting along with a nasty email. One was from their attorney, presumably to justify the use of Maintenance and Operations money for capital improvements. The letter says a lot; it zigs and zags and has more switchbacks than a Rocky Mountain dirt road. But what it doesn't say is that ad valorem tax money can be used for capital improvements, because it is not legal to do so. And yet. The 2nd document was a letter from Richard Bianchi to David Brooks. The 3rd document is Attorney David Brooks' answer. Commissioner Moore sent the Brooks letter presumably because it says the Nav District does not have to provide this Court with a budget as per the Water Code. That may be true, but there is a 2nd Brooks letter that this Court possesses that says you are not required to approve their ad valorem tax request. Based upon their hide and seek mentality, I suggest you consider just that – cut them off next year when presented with the opportunity.

V. Presentation –

1. After Tracy Orr read Proclamation P-09-2022, proclaiming October 2-8, 2022, as National 4-H Week – Celebrating Opportunity for All, three 4-H ambassadors and Megan Glidden each spoke briefly about 4-H.

VI. Consent Agenda

2. Minutes from the September 12, 2022, Regular Meeting

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

3. Joint Proclamation JP-08-2022 for Seafair

Motion by Commissioner Rousseau to approve Joint Proclamation JP-08-2022, proclaiming October 7-9, 2022, as the 47th Annual Rockport-Fulton Seafair Festival; seconded by Commissioner Laubach.

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

4. Proclamation P-09-2022 for National 4-H Week

Motion by Commissioner Chaney to approve Proclamation P-09-2022, proclaiming October 2-8, 2022, as National 4-H Week – Celebrating Opportunity for All; seconded by Commissioner Rousseau.

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

VIII. County Roads and Floodplain

5. Conceptual Plan for 3725 Loop 1781

Motion by Commissioner Casterline to approve a Conceptual Plan from Robert Gross for a Condominium Development proposed at 3725 Loop 1781; seconded by Commissioner Chaney.

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

6. Final Plan – Ocean Reef Subdivision

Motion by Commissioner Laubach to approve the Final Plat for the Ocean Reef Subdivision Planned Unit Development, Unit 2; seconded by Commissioner Rousseau.

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

7. Authorize County Staff to Apply for Funding for Tule Creek Watershed

Motion by Commissioner Laubach to approve authorizing County staff to apply for funding from the Resilient Communities Program to develop a Watershed Management Plan for the Tule Creek Watershed; seconded by Commissioner Rousseau.

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

8. Preliminary Approval for Abandoning Alleyway

Motion by Commissioner Rousseau to approve preliminary approval for abandoning the alleyway of Block 24 of the Bellevue Addition and abandoning a portion of Elizabeth Street, between Block 24 and Block 29, also of the Bellevue Addition; seconded by Commissioner Casterline.

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

9. **NOT AN ACTION ITEM:** Discussion on Possible Drainage Solutions along Allen M. Parks Drive. Citizens John Danos and Chris Horn participated in the discussion with the Court.

IX. Contracts, Agreements, Grants, and Leases

10. DPS Lease for Hangar Tall

Motion by Commissioner Rousseau to approve authorizing the County Judge to sign a five-year lease with Texas Department of Public Safety for Hangar Tall at the Aransas County Airport; seconded by Commissioner Laubach.

After some discussion, there was an **Amended Motion** by Commissioner Rousseau to approve authorizing the County Judge to sign a five-year lease with Texas Department of Public Safety for Hangar Tall at the Aransas County Airport *pending final approval of County Attorney*; seconded by Commissioner Laubach.

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

11. AEP Easement Request

Motion by Commissioner Casterline to approve authorizing the County Judge to sign an easement request from American Electric Power (AEP) Texas, Inc., as required in order to bury and install permanent electrical service at Hangar Tall at the Aransas County Airport; seconded by Commissioner Rousseau.

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

12. County Land Purchase – Goose Island Lake Estates

Motion by Commissioner Casterline to approve the purchase of Lots E-5, H-1 and H-2 of Goose Island Lake Estates, a subdivision in Aransas County, Texas, according to map or plat thereof recorded in Volume 7, Page 215-216, Plat Records of Aransas County, Texas, for the sum of \$10.00 and other good and valuable consideration; seconded by Commissioner Chaney.

After some discussion, there was an **Amended Motion** by Commissioner Laubach to approve the purchase of Lots E-5, H-1 and H-2 of Goose Island Lake Estates, a subdivision in Aransas County, Texas, according to map or plat thereof recorded in Volume 7, Page 215-216, Plat Records of Aransas County, Texas, for the sum of \$10.00 and other good and valuable consideration *after amending the closing date on the contract*; seconded by Commissioner Rousseau.

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

X. Planning and Budget Office

13. Treasurer's Report

Motion by Commissioner Laubach to approve the August 2022 Treasurer's Report; seconded by Commissioner Casterline.

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

14. Environmental Health Fees

Motion by Commissioner Laubach to approve the 2023 Environmental Health Fees; seconded by Commissioner Chaney.

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

15. Sheriff and Constable Fees

Motion by Commissioner Casterline to approve Order #O-26-2022, setting fees for services, such as service of process, orders of retrieval, and conducting sales, provided by the Aransas County Sheriff's Department and/or Aransas County Constables, which shall go into effect on January 1, 2023, and continue until further order of the Commissioners Court; seconded by Commissioner Chaney.

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

16. Texas Association of Counties Liability Renewal Agreement

Motion by Commissioner Rousseau to approve, and authorize the County Judge to sign, the Texas Association of Counties' (TAC) Liability Renewal Agreement and Questionnaire for plan year 2023; seconded by Commissioner Casterline.

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

17. Authorize RFP Solicitation for Outside Auditor

Motion by Commissioner Laubach to authorize solicitation of Request for Proposals (RFPs) for Outside Auditor and authorize the County Judge to sign all necessary documents; seconded by Commissioner Chaney.

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

18. Budget Line Item Transfer for Funding Contract/Procurement Specialist Position

Motion by Commissioner Rousseau to approve a Budget Line Item Transfer (BLIT) from the County Auditor Office Salary to County Attorney Office Salary for funding the Contract/Procurement Specialist Position and authorize the County Judge to sign the transfer; seconded by Commissioner Casterline.

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

19. Nationwide Annuity Contract Form

Motion by Commissioner Casterline to approve, and authorize the County Judge to sign, the Nationwide Application for Group Flexible Purchase Payment Deferred Fixed Indexed Annuity Contract (Non-Participating) Form; seconded by Commissioner Rousseau.

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

20. Administration of Immunizations at Employee Health Fair

Motion by Commissioner Casterline to approve authorizing County Judge to sign the Walgreens Community Off-Site Clinic Agreement covering the administration of immunizations at the County's Annual Employee Health Fair; seconded by Commissioner Laubach.

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

21. Immunizations for Employees Without Health Insurance

Motion by Commissioner Rousseau to approve paying for Immunizations at the Annual Aransas County Employee Health Fair for employees not covered by health insurance, an estimated cost of \$1,500.00 already budgeted from the Health Care Sales Tax Fund; seconded by Commissioner Laubach.

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

22. Approval of \$2,500 for County Health Fair

Motion by Commissioner Casterline to approve allowing the Healthy County Coordinator (Human Resources Director) to spend up to \$2,500.00 of the Healthy County & Fair Funds on incentives and other expenditures incurred for the Annual Aransas County Employee Health Fair in anticipation of receiving funds back from Texas Association of Counties' (TAC) Healthy County Program; seconded by Commissioner Rousseau.

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

23. Driver Records Agreement with DPS

Motion by Commissioner Chaney to approve authorizing the County Judge to sign the New User Agreement to Purchase Driver Records or Driver Record Monitoring Services with the Department of Public Safety (DPS); seconded by Commissioner Casterline.

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

24. Workers Compensation Renewal Agreement

Motion by Commissioner Laubach to approve authorizing County Judge to sign the Texas Association of Counties' (TAC) Workers Compensation Renewal Agreement and Questionnaire for plan year 2023; seconded by Commissioner Casterline.

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

25. Budget Line Item Transfers

Motion by Commissioner Casterline to approve Budget Line Item Transfers; seconded by Commissioner Chaney. *(Per Auditor Cockerham, there were no budget line item transfers other than the one on item 18.)*

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

26. Accounts Payable and Payroll/Payroll Liabilities

Motion by Commissioner Rousseau to approve Accounts Payable and Payroll/Payroll Liabilities; seconded by Commissioner Chaney. *(Per Auditor Cockerham, This includes four large payments: a mower for Road & Bridge, a \$250K reimbursable payment to J.M. Davidson for work on Cedar Bayou, GrantWorks for ARPA Administration work—which will be paid by ARPA funds, and a \$1.1M payment to Teal for work on the new Courthouse—which will come out of the '21 Tax Note.)*

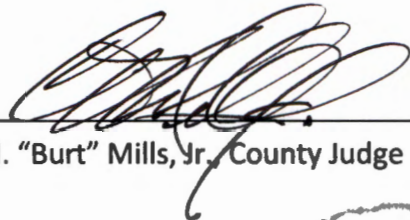
Vote: Motion carried 5-0; it was so ordered.

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

- **Library Director Iris Sanchez** reported that the Aransas County Public Library received annual accreditation from the Texas State Library again. She went on to let the Court know that our library has earned this accredited for over 32 years now.
- **Airport Manager Mike Geer** relayed that he was pleased with the progress that FPS Recovery and their subcontractors Western Steel and Gonzalez Construction have made over the last 6-8 months. Their focus has been on the large hangar and they've met deadlines, they've worked through bad weather situations, they've worked through supply chain shortages, and they've delivered on every single promise that they've made to us so far. He also invited the Court to come take a look at all of the (exciting) things that have happened.
- **Auditor Jacky Cockerham** said that Valerie Gonzalez got back with her to address the question that was asked of her earlier this meeting of how much additional revenue would likely be generated from her penny increase. Gonzalez told Cockerham that she anticipates about a \$100K in additional revenue from the penny increase. She also wanted to reiterate that this fee increase was needed to cover the fee increase that the County received from Corpus Christi on our disposals there.
- **Commissioner Chaney:** *I wanted to let you all know that on Friday, we're going to have a meeting here from 3:00PM to 5:00PM with the canal communities, the County Engineer, and some of the current developers. I've asked Tracy to handle a Notice of Quorum—in case other Commissioners want to be there—but there will be no action taken or any other discussion other than the questions that come up and the answers that will can provide. It ought to be really interesting. We're going to talk about drainage and concerns that the communities have about drainage and development, like the development at 188 and a couple of others. The communities aren't against development, they just want to understand it and be able to discuss their concerns. It will be an open forum.*

XII. Adjournment

No further business presenting, the Court adjourned at 10:12 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

