

MINUTES OF THE

COMMISSIONERS' COURT

REGULAR MEETING - OCTOBER 22, 2018

On the 22nd day of October, 2018, there was a Regular Meeting of the Commissioners' Court in the Commissioners' Courtroom, 2840 Hwy 35 N, Rockport, Aransas County, Texas, with the following members present: **C. H. "Burt" Mills, Jr.**, County Judge; **Jack Chaney**, Commissioner, Precinct 1; **Brian Olsen**, Commissioner, Precinct 3; **Betty Stiles**, Commissioner, Precinct 4; and **Valerie K. Amason**, County Clerk.

Other County Officers present were **Jerry Brundrett**, County Surveyor; **Kristen Barnebey**, County District Attorney; **Alma Cartwright**, Treasurer; **Bill Mills**, Sheriff; **Suzy Wallace**, County Auditor; **Linda Garcia Haynes**, Executive Assistant to the County Judge; **David Reid**, Road Administrator/Drainage Engineer/Stormwater Management Engineer; **Collin Jackson**, IT Director; **Linda Doane**, Human Resources Director; **Michael Geer**, Airport Manager; **Valerie Gonzalez**, Environmental Health Director; **John Strothman**, Pathways Project Manager; **Carrie Arrington**, Office & Contracts Manager, County District Attorney's Office; **Jacky Cockerham**, Assistant County Auditor; **Sue Pash**, Chief Deputy Treasurer; **Lara Kirchens**, Deputy Treasurer/Venue Tax Collections Clerk; **Ronell Burke**, Animal Control Director;

Long-Term Recovery: **William Whitson**; **Kim Foutz**; **Randall Freeze**, Long Term Recovery Specialist;

Members of Local City Government, Community Groups and other Interested Parties present:

City of Rockport Council Members: **Pat Rios**, Mayor;

Chamber of Commerce: **Diane Probst**, President/CEO;

Rockport Center for the Arts: **Luis Puron**, Executive Director;

Rockport Maritime Museum: **Kathy Roberts-Douglas**;

Editor and Publisher of the Rockport Pilot Newspaper: **Mike Probst**;

The Meeting was convened at 9:00 a.m. at which time a quorum was declared by Judge Mills, WHEREUPON, the following proceedings were had and done to wit:

CITIZENS TO BE HEARD

There were none.

PRESENTATIONS

1. **Presentation from AgriLife about 4-H projects:**

**Ginger Easton-Smith, Darla Zuniga, Doris Hammit, and multiple 4-H child members were present to inform the court about recent activities.**

**Ginger stated that they have 105 members this year participating in 4-H and about 20 adult volunteers. National 4-H Week was October 7th through October 13<sup>th</sup>, which ends in one day 4-H, which is a state-wide service day. The council voted on having a Cookie Baking Day, about 20 kids participated and a lot of the parents helped out. They delivered cookies to local entities such as Law Enforcement, Fire Departments, EMS, Animal Control, and the Commissioners' Court. For the state-wide service day there were about 10,000 volunteers across the state that participated, it's always the 2<sup>nd</sup> day of October. Each club**

or county decides what projects they want to do, our group went to the Aransas County Airport and cleaned out a hangar and cleaned window shutters that needed to be hung back up, and they had a lot of fun. One young lady stated that she was the President of the Rockport-Fulton 4-H Heritage Club, that she had to work, but the group went to the Humane Society and helped out with the animals, cleaning and giving them lots of love. We really appreciate the County's support.

CONSENT ITEMS

Motion was made by Commissioner Stiles and seconded by Commissioner Olsen to approve:

2. Minutes from the Special Meeting of October 12, 2018.
3. Proclamation #P-07-2018, proclaiming the month of November 2018 to be "Home Care and Hospice Month".
4. Official Public Bond Continuation Certificate for Latisha Murphy, Administrative Assistant to the County Judge.
5. Official Public Bond Continuation Certificate for Linda Doane, Human Resources Director.
6. Acknowledge receipt of and record in the minutes of Commissioners Court, a Certificate of Completion for Michele Bennett for successfully completing the Election Center's Continuing Education Course, #5 Ethics in August 2018.

Question. Motion carried unanimously.

It is so ordered.

(Inserts)

COUNTY REPORTS

7. Motion was made by Commissioner Stiles and seconded by Commissioner Olsen to approve 3<sup>rd</sup> Quarter 2018 Report for the Texas Maritime Museum.

Question. Motion Carried unanimously.

It is so ordered.

8. Motion was made by Commissioner Olsen and seconded by Commissioner Chaney to approve 3<sup>rd</sup> Quarter 2018 Report for the Rockport-Fulton Chamber of Commerce.

Question. Motion carried unanimously.

It is so ordered.

POLICY & PROCEDURE

9. Report from the County District Attorney concerning Disclosure Compliance Policy for law enforcement agencies in Aransas County and questions to the Rockport Police Department regarding the Policy and ongoing cases.

**Kristen Barnebey:** We met on Friday, of course after we put this item on the agenda, and it's been about six weeks since you've heard from us. The attorney from the City was finally able to get to the documents and I think we have a resolution for those documents, as to when cases come over, it's been six weeks, I don't know, we will believe it when we see them. I wanted to talk to you a little bit about what's happened in the last six weeks and why it's so harming. I'm not going to talk to about specific cases so that I don't breach any confidences and so that we can go forward, but I have a

(Inserts)

couple of examples that hopefully will explain to you why we are doing this. I think you understand, but I think it's helpful. Last week, and the week before, our office heard from the SANE Nurses, which are the Sexual Assault Nurse Examiners for child abuse out of Driscoll. Their e-mail to us was, "how dare you, you cannot have these Rockport Police Department Officers coming over here, they do not understand the law, they are not applying the proper standard, and who do we go to, to make sure this case gets prosecuted, because we had to turn them away, they were so out of touch with what was going on". I forwarded that e-mail on to the chief and I haven't heard from him. Back on September 13<sup>th</sup>, and I followed up on September 26<sup>th</sup>, I asked the Chief "How come when an officer goes to the scene, where a 16 year old girl is in a hotel room with a 19 year old man, how come the police report does not reflect that there was any investigation done into why those two people were in a hotel room for a lengthy period of time, and whether or not there was any sexual assault?" "And why then did your officer go forward and arrest the victim, and do absolutely no investigation since?" Just wondering, no response. Let's talk about a case from last week, on a video, during a protective order that I was handling. We learned that there was a video from one of the witnesses, great, watched the video, the defendant/respondent says "I'm going to shoot her in her f..... face", and we also learned that this is a pattern and it's been going on since about 2012. Rockport didn't even do a report and they are not going to, and they are not going to investigate. They didn't call us, they didn't send anything, all they said is "You probably need a protective order, just go over to their

office". I have confirmation from the Rockport Police Department, not only will they not investigate, they're not even going to do a report. And why did you call? So, why does this matter? Right? Why are we here? Why are we causing all of this consternation? Why, as a community, does this matter? It matters because, when I came on line, we started working with all law enforcement and everybody came around, right? Some, different times than others, but everybody came around except for the Rockport Police Department. As recently as last week, the Judge heard one of the Commanders say to the Police Chief out of Fulton "She just won't tell us what she wants" so, they will just continue that rhetoric and continue to tell every domestic violence victim, "Just sign a non-prosecution statement affidavit, so we don't have to go forward". They will tell every SANE Nurse in Corpus, "Hey that kid, you know, that's not serious bodily injury, we know the standard, no need to prosecute". What does that leave us with? It leaves us with sky rocketing CPS, so Richard Bianchi and I keep trying to get a lid on "what is happening here, why do we keep seeing the same thing over and over again?" Well, if the City of Rockport hasn't prosecuted a child abuse case in five years, or even sent one over. What do you think? Does CPS get better, or worse? Right? Then you send in the elected officials staff people, who we all want to encourage to work for the county, and have positive influence, highly educated people that want to make a difference, into the same situation over and over and over again. So that you know, I have gone to the Department of Child Protective Safety and said "I don't care if you don't get a case from law enforcement, I don't care if the Rockport Police Department

doesn't send you something from the City, you shall, here's the code, you shall also send it to me. So, even if they won't pick it up, ask any CPS worker, ask any supervisor, ask any of them, if they won't ever pick it up, OK, but we will, so give it to me and I'm going to be calling." And you might think, well gosh, maybe Rockport didn't know about it, maybe the Police Department didn't know. Well, the truth is every law enforcement agency here in Aransas County gets a copy of every report made to that 1-800 line and it's not everyone, it's the higher priority right away and then subsequent ones come later. A priority 1 comes in to the Rockport Police Department, our office has not had an investigation into one of those cases or a case from them since November 2014, I could probably go back and ask Judge Bianchi.

**Commissioner Stiles:** So who is doing the investigations, your department?

**Kristen Barnebey:** At this point, yes, and actually the Sheriff. So, I will pick up the phone and call the Sheriff and say "Hey look, I've got this kid beaten from his ankles to his thighs and Rockport says that's not child abuse, it's not serious bodily injury, so we're not going to go forward." Right? "Can you help me?" And he says yes or no, right? I mean everybody's got limitations and then I look at my CPS workers and my investigators and I call them in as far away as Laredo and I say "Can you help me?" If not, we take them and we build it up and go from there.

**Commissioner Stiles:** What is it costing us, as a County, to handle this extra load, in your opinion?

**Kristen Barnebey:** You know, I haven't put a pen to paper on that but I bet it is extraordinary because when you don't get

cases, when you have to restructure and re-do almost every portion of a case you do get, even when they come in, which you know was prior to August of 2017, it's my attorney's work overtime all the time because they aren't things that, it's not a traffic ticket, although those are very important, but they are misdemeanors that lead to terrible crimes against children that continue on and on. I don't know, I don't know, but I'd be happy to look at that if you would like me to Commissioner.

**Commissioner Stiles:** Well, I would think if nothing else, we could send the City a bill.

**Kristen Barnebey:** Well, for so long we've just done it, right? Because we're going to do that, we're going to be a team player and we're always going to move forward.

**Commissioner Olsen:** This is something we could look at during budgeting time.

**Kristen Barnebey:** Right, so let's end on a positive note.

**Judge Mills:** The positive side was our meeting Friday, it was two hours long and I left the meeting feeling a lot better than when we started, I think we are on the right road, I just hope it happens a little faster than...

**Commissioner Chaney:** I hope it happens before some child dies.

**Kristen Barnebey:** Yes, so what can you do to help, right? Pat Rios has been a person who has stood up, and he's here, right, he has stood up and has tried and tried, and he does, he responds, he is Johnny on the spot. The problem is, that the people around him do not, the Chief absolutely does not, I have sent him no less than ten e-mails asking about very specific issues, I had an attorney leave, to go work at home,



I had him outline every protective order, every case, and every one of them was Rockport Police Department. The Chief said "it would be kind of hard to look those up, you know we didn't investigate them." Ok, right, and so how can you help? Pat Rios needs help, the community needs to start talking about how this is affecting everybody sitting here, that would be my suggestion, I'll get you some numbers when I can.

**CONTRACTS, AGREEMENTS & GRANTS**

10. Motion was made by Commissioner Olsen and seconded by Commissioner Stiles to approve Resolution #R-18-2018 awarding GrantWorks, Inc. Grant Administrative Provider Services for the Texas Department of Agriculture CDBG and Disaster Relief Funds; including but not limited to, The Texas Capital Fund and Downtown Revitalization Programs.

Question. Motion carried unanimously.

It is so ordered.

**PLANNING & BUDGET OFFICE**

11. Motion was made by Commissioner Stiles and seconded by Commissioner Olsen to **TABLE** the September 2018 Treasurer's Report

Question. Motion carried unanimously.

It is so ordered.

12. Motion was made by Commissioner Stiles and seconded by Commissioner Olsen to **TABLE** the Treasurer's 3<sup>rd</sup> Quarter Investment Report.

Question. Motion carried unanimously.

It is so ordered.

(Insert)

13. Motion was made by Commissioner Olsen and seconded by Commissioner Chaney to approve Resolution #R-17-2018, Department of Homeland Security Federal Emergency Management Agency (FEMA Form 085-0-1), a Resolution of the County of Aransas, Texas-Collateral Security on the Promissory Note for a Community Disaster Loan for \$5,000,000 pursuant to Section 417 of the Robert T Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended, and FEMA Regulation, 44 CFR 206, Subpart K.

Question. Motion carried unanimously.

It is so ordered.

14. Motion was made by Commissioner Chaney and seconded by Commissioner Olsen to approve the 2019 Fee Schedule for Environmental Health and Transfer Station.

Question. Motion carried unanimously.

It is so ordered.

15. Motion was made by Commissioner Olsen and seconded by Commissioner Chaney to approve Budget Line Item Transfers of which there were none.

Question. Motion carried unanimously.

It is so ordered.

16. Motion was made by Commissioner Chaney and seconded by Commissioner Olsen to approve Accounts Payable and Payroll/Payroll Liabilities.

Question. Motion carried unanimously.

It is so ordered.

(Inserts)

REPORTS FROM COMMISSIONERS, ELECTED OFFICIALS &

DEPARTMENT HEADS WHEREIN NO ACTION WILL BE TAKEN

**Suzy Wallace:** Read the Fee Report.

**Alma Cartwright:** Introduced her new part-time employee, Lara Kirchens.

**Brian Olsen:** I'd just like to say Judge that I'm happy to see the trucks being stopped out at the weigh station, Sheriff, hopefully we can bring in some good money, it's nice to see that back in operation.

**Sheriff Mills:** We are back up and running and will have both sides opened up in a few weeks. For five years we have not had DPS Troopers assigned here for Licenses & Weights, I talked with Captain Johnson out of Corpus and she has committed to a schedule to help us out.

**Commissioner Chaney:** I just want to thank David, his crew, and animal control for their help in all the things going on through all of this rain we have been having.

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*No further business presenting, the Court adjourned at 9:32 a.m. on a motion made by Commissioner Stiles and seconded by Commissioner Olsen.*

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October 22, 2018



*[Handwritten signature of C. H. "Burt" Mills, Jr.]*

C. H. "BURT" MILLS, JR., COUNTY JUDGE



*Valerie K. Amason*

VALERIE K. AMASON,

EX-OFFICIO CLERK OF THE

COMMISSIONERS' COURT