

MINUTES OF THE
COMMISSIONERS' COURT
REGULAR MEETING - OCTOBER 12, 2009

On the 12th day of October, 2009, there was a Regular Meeting of the Commissioner' Court in the Courthouse, Rockport, Aransas County, Texas, with the following members present: C. H. "Burt" Mills, Jr., County Judge; Jack Chaney, Commissioner Precinct 1; Leslie "Bubba" Casterline, Commissioner, Precinct 2; Charles Smith, Commissioner, Precinct 3; Howard Murph, Commissioner, Precinct 4; and Peggy L. Friebele, County Clerk.

Other County Officers present were Richard P. Bianchi, County Attorney; Dee Oliver, County Treasurer; Lezlie Kirk, County Auditor; Jerry Brundrett, County Surveyor; Gene Johnson, Airport Manager; James Jackson, Environmental Health; Susan Perez, IT Director; David Reid, Drainage Engineer; David Vyoral, Road Administrator; Gene Johnson, Airport Manager; Pam Heard, District Clerk; Amy Freeman, Agricultural Extension Agent; and Rick McLester, Chief Deputy Sheriff.

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

MINUTES

Motion was made by Commissioner Casterline and seconded by Commissioner Chaney to approve the minutes of the Special Meeting of September 30, 2009 and Special Meeting of October 1, 2009.

Question. Motion carried unanimously.

It is so ordered.

CITIZENS TO BE HEARD

There were no citizens wishing to speak.

PRESENTATION - NATIONAL 4-H WEEK

Amy Freeman, Agriculture Extension Agent gave a presentation honoring "National 4-H Week" and updated on Aransas County 4-H youth development programs and projects.

NATIONAL 4-H WEEK

Motion was made by Commissioner Casterline and seconded by Commissioner Chaney to designate October 4-10, 2009 as National 4-H Week in Aransas County.

Question. Motion carried unanimously.

It is so ordered.

PROCLAMATION - NATIONAL 4-H WEEK

Motion was made by Commissioner Smith and seconded by Commissioner Casterline to approve Proclamation #P09-05 designating October 4-10, 2009 as National 4-H Week in Texas and commending the 4-H young development programs of the Texas Agrilife Extension Service.

Question. Motion carried unanimously.

It is so ordered.

(Proclamation inserted)

COUNTY EXTENSION AGENT

Motion was made by Commissioner Murph and seconded by Commissioner Chaney to approve appointment OF Virginia Easton Smith as Aransas County Extension Agent-Agriculture and Natural Resources.

Question. Motion carried unanimously.

It is so ordered.

ADOPT CAFETERIA PLAN

John Debler with GSM Insurors asked the Court to consider changing the insurance products offered to County employees from American Heritage to Aflac. Aflac has had one rate increase in its history and is as good or better in some areas. The County would continue to offer American Heritage to the employees who would not want to change. Commissioner Casterline asked if Aflac would cover pre-existing conditions. Mr. Debler replied "no." Mr. Debler also told the Court Aflac offers a voluntary life insurance through Principal Financial. If taken the first time it is offered, no questions are asked. It is a term policy.

Motion was made by Commissioner Casterline and seconded by Commissioner Murph to adopt additional cafeteria plan services for Aransas County effective January 1, 2010.

Question. Motion carried unanimously.

It is so ordered.

ARANSAS PROJECT (TAP)

Ron Outen, Director of The Aransas Project, told the Court this 501C3 organization is registered with the State. It was formed to address the loss of whooping cranes due to the loss of water flow. The Aransas Project will be the plaintiff in a lawsuit against the State. There will be no monetary obligation from the County; the O'Connor Ranch is funding the law suit. Attorney Jim Blackburn will be presenting the project. Mr. Outen was asking the Court to be recognized as a member of the organization. Commissioner Smith asked if Calhoun County was a member; Mr. Outen replied "not to his knowledge."

Motion was made by Judge Mills and seconded by Commissioner Murph to establish membership in "The Aransas Project" (TAP).

Question. Motion carried unanimously.

It is so ordered.

ARANSAS COUNTY SUBDIVISION REGULATIONS

Motion was made by Commissioner Chaney and seconded by Commissioner Murph to adopt the Aransas County Subdivision Regulations.

Question. Motion carried unanimously.

It is so ordered.

(Regulations inserted)

2010 ROAD MATERIAL - BIDS

Motion was made by Commissioner Smith and seconded by Commissioner Murph to approve going out for bid for 2010 Road and Bridge materials.

Question. Motion carried unanimously.

It is so ordered.

2009 HANGAR RENOVATIONS

Motion was made by Commissioner Casterline and seconded by Commissioner Murph to approve going out for bids for 2009 hangar renovations at the Aransas County Airport.

Question. Motion carried unanimously.

It is so ordered.

RESOLUTION - ENERGY EFFICIENCY

Motion was made by Commissioner Chaney and seconded by Commissioner Casterline to approve Resolution #R09-23 in support of the County's commitment toward energy efficiency.

Question. Motion carried unanimously.

It is so ordered.

(Resolution inserted)

ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT

Motion was made by Commissioner Chaney and seconded by Commissioner Casterline to approve Aransas County's application/notification of intent to accept the Energy Efficiency and Conservation Block Grant (EECBG) program allocation under the American Recovery and Reinvestment Act (ARRA).

Question. Motion carried unanimously.

It is so ordered.

CMP GRANT - DRAINAGE

Ron Outen, ACND representative to the Stormwater Advisory Committee, told the Court this grant would pay for 60% of the purchase of land that lies by the water tower in Fulton. Commissioner Casterline asked if the County would be responsible for the match and Outen said "yes." A decision on whether or not the County would get the grant would not come until March 2010. Commissioner Casterline stated the County would be approving the match if they approve application for the grant. Naismith Engineering is preparing the application. Commissioner Murph asked if environmental studies would be required but they will not be. Commissioner Casterline pointed out the property is currently owned

by the Episcopal Church. According to the City Manager Tom Blazek, this will be the perfect use of drainage funds because this property has been a problem area for some time.

Motion was made by Commissioner Smith and seconded by Commissioner Murph to approve application for CMP grant to acquire property for drainage purposes.

Question. Motion carried unanimously.

It is so ordered.

TULE CREEK PROJECT

Motion was made by Commissioner Smith and seconded by Commissioner Murph to approve redirecting earmarking of Tule Creek Project from engineering to construction from the hotel-motel tax fund and to authorize payment of \$1,053.49 to the City of Rockport effective immediately.

Question. Motion carried unanimously.

It is so ordered.

EARLY VOTING CLERKS - APPOINTMENT

Motion was made by Commissioner Smith and seconded by Commissioner Chaney to approve appointment of Olivia Zambrano, Anita Dominguez, Margaret Vidal, Pinky Gonzales and Carolyn Cox as Early Voting Clerks for the November 3, 2009 Constitutional Amendment Election.

Question. Motion carried unanimously.

It is so ordered.

PRO FORMA ORDER - ADDITIONAL EARLY VOTING

Motion was made by Commissioner Casterline and seconded by Commissioner Chaney to approve pro forma order for additional early voting on Saturday, October 24, 2009.

Question. Motion carried unanimously.

It is so ordered.

(Order inserted)

FUNDS ON HAND - COUNTY CLERK

Motion was made by Commissioner Casterline and seconded by Commissioner Murph to approve increasing County Clerk's funds on hand to \$100.00.

Question. Motion carried unanimously.

It is so ordered.

OFFICIAL BOND

Motion was made by Commissioner Chaney and seconded by Commissioner Smith to approve public official bonds on Krista K. Simpson, Deputy Tax Assessor-Collector; Melinda Morgan Hill, Environmental Health; and bond continuation certificate on Russell F. Buck, Custodian.

Question. Motion carried unanimously.

It is so ordered.

CONTINUING EDUCATION CERTIFICATES

Judge Mills presented for recording in Commissioners' Court minutes certificate of achievement for Peggy Friebele, County Clerk, to the 27th Annual Secretary of State's Election Law Seminar for County Officials.

(Certificate inserted)

DPS SECURITY AUDIT

Judge Mills presented for recording in Commissioners' Court minutes a DPS Security Audit showing compliance.

(Audit inserted)

COUNTY TREASURER'S REPORT - SEPTEMBER 2009

Motion was made by Commissioner Smith and seconded by Commissioner Casterline to approve the County Treasurer's Report for September 2009.

Question. Motion carried unanimously.

It is so ordered.

(Report inserted)

INDIGENT HEALTH CARE COSTS - SEPTEMBER 2009

Motion was made by Commissioner Smith and seconded by Commissioner Murph to approve indigent health care costs for the month of September 2009.

Question. Motion carried unanimously.

It is so ordered.

(Report inserted)

BUDGET LINE ITEM TRANSFERS

Motion was made by Commissioner Smith and seconded by Commissioner Casterline to approve budget line item transfers as presented by County Auditor Kirk.

Question. Motion carried unanimously.

It is so ordered.

(Transfers inserted)

ACCOUNTS PAYABLE

Motion was made by Commissioner Murph and seconded by Commissioner Casterline to approve the accounts payable.

Question. Motion carried unanimously.

It is so ordered.

FEE REPORT

County Auditor Kirk read fee reports received from Justice of the Peace, Precincts 1 and 2, District Clerk, County Clerk and Sheriff for the month of September 2009.

(Report inserted)

ACND COMMISSIONER - PRECINCT 1-1A

Gerald Shedd, Aransas County Navigation District Commissioner (ACND), Precinct 1-1A, appeared before the Court to respond to his activities, including his request to separate Precinct 1-1A from the ACND or he would resign. Commissioner Smith asked Commissioner Shedd exactly what he meant by "separate." Mr. Shedd replied that he could not explain at this meeting. He would need time to sit down with Commissioner Smith to explain. Mr. Shedd stated the other ACND Commissioners had been difficult to work with. His way of thinking was different from theirs. Mr. Shedd asked to explain what brought him to this point of frustration; "uncooperation", hostility, etc. from other Board members. Commissioner Smith pressed Commissioner Shedd to explain what he meant by separate. Commissioner Shedd stated he had tried to explain it to him before. Commissioner Smith asked if there was any support in the Water Code for separation and Mr. Shedd stated there was not. Commissioner Smith told Commissioner Shedd he had to work with the other Commissioners. Commissioner Shedd replied his agenda items are changed around and the Harbor Master lies about the agenda items. It is a hostile environment. Commissioner Casterline informed the Court Commissioner Shedd came to talk with him and explained what was happening in his precinct. Shedd told Commissioner Casterline meetings were being set up in his precinct and he was not being told about them.

Judge Mills also informed the Court Commissioner Shedd had come to him asking what he could do to better communicate with fellow commissioners. Judge Mills suggested Shedd try to work with them. Judge Mills also stated that at one time or another, our Court members are unhappy with each other. Judge Mills also stated that as far as he could see Commissioner Shedd has had contention since day one. He has cost the taxpayers \$5,700.00 in lawyer's fees for legal opinions.

Commissioner Shedd stated the ACND is discriminating against oyster and shrimp boats at Fulton Harbor by not allowing them to use the transient restrooms.

Commissioner Chaney told Commissioner Shedd they had been friends for a long time and his question was "do you think you can work with the Board or should you resign?" Commissioner Shedd replied, "I'm going to stay in office until I am thrown out."

Judge Mills thanked Commissioner Shedd for coming to Court and added he did not think much was accomplished.

ACND Chairman Ron Outen asked to speak but was told it was not permissible since the agenda item would not allow it.

The Court entered into closed session at 10:45 a.m. as authorized by Texas Government Code Section 551.074 to discuss purchase of property for drainage and returned to open meeting at 11:15 a.m. with all members present, and further proceedings were had and done to wit:

No further business presenting, the Court adjourned on a motion made by Commissioner Smith duly seconded by Commissioner Murph.

C. H. "Burt" Mills, Jr. COUNTY JUDGE

PEGGY L. FRIEBELE, COUNTY CLERK &
EX-OFFICIO CLERK OF THE
COMMISSIONERS' COURT