

**MINUTES OF THE ARANSAS COUNTY COMMISSIONERS' COURT**

**REGULAR MEETING - JANUARY 25, 2021**

On the 25th day of January, 2021, 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 in person, via ZOOM, or via YouTube: **C. H. "Burt" Mills, Jr.**, County Judge; **Leslie Casterline**, Commissioner, Precinct 2; **Pat Rousseau**, Commissioner, Precinct 3; **Wendy Laubach**, Commissioner, Precinct 4; **Carrie Arrington**, County Clerk; and **Christy Gibson**, Chief Deputy County Clerk - Courts and Administration.

**Other County Officers present** in person, via YouTube, or via Zoom, were: **Alma Cartwright**, Treasurer; **Pam Heard**, District Clerk; **Tracy Orr**, Administrative Assistant to County Judge; **Amanda Oster**, County Attorney; **Jennifer O'Steen**, Assistant County Attorney; **Jacky Cockerham**, County Auditor; **Tana Taylor**, First Assistant County Auditor; **Latisha Murphy**, Assistant Auditor; **Judge Richard Bianchi**, County Court at Law Judge; **John Gutierrez**, Chief Deputy Uniform Operations (Sheriff's Department); **Rhonda Konieczny**, Executive Assistant to the Sheriff; **Collin Jackson**, IT Director; **Judy Sutterfield**, Senior IT Technician; **Jerry Brundrett**, County Surveyor; **David Reid**, County Engineer; **Kat Comeaux**, Development Services Coordinator; **Valerie Gonzalez**, Environmental Health Director; **Mike Geer**, Airport Manager; **Rene Butler**, Facilities Director; **John Strothman**, Project Manager; **Kim Foutz**, Long Term Recovery; and **William Whitson**, Long Term Recovery.

**Members of Local City Government, Community Groups and other Interested Parties present** in person, via YouTube, or via Zoom, were: **Jason Parkoff**, Texas Maritime Museum; **Betty Stiles**, Aransas County Historical Commission; **Jennifer Day**, Rockport Cultural Arts

District; **Judge Patrick Flannigan**; and **Mike Probst**, Editor and Publisher, The Rockport Pilot.

**Aransas County Citizens present** in person, via YouTube, or via Zoom, were: **Andrew Kane; Richard Smith; Ken Patel; Mike Fields, Lesa Stanly; Allan Smith; and Kristie Rutledge.**

**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**

**Betty Stiles** reminded the Court that Aransas County is going to celebrate its 150<sup>th</sup> birthday on September 18, 2021. There will be a number of events to commemorate the occasion and she wants everyone to start celebrating now. This coming Saturday, you are all invited to attend the kick-off celebration, which will be held at The History Center, from 4:00-6:00PM. There will be speakers - including our own County Judge - there will be new artifacts that we want to introduce and show off, especially our new replica of our Copano Bay fishing pier. Please come!

**Andrew Kane:** The sales tax abatement you will consider will create a disadvantage to some property owners and a governmental-induced advantage to property owners downtown. As we get past the popular idea of making art tax exempt, I understand it will only apply in the Cultural Arts District downtown. If the owner of this shopping center has a potential tenant that wants to open any kind of business that carries art, that tenant would be more likely to open a store downtown knowing the product they sell there would not be taxed. If you allow this special tax-free district, it will have a negative effect on property and businesses owners everywhere else in the county. There is a question on what constitutes "original art" since prints up to 250 copies are

included. The items that can be classified as "art" are plentiful. This will become a nightmare to control and track, especially since some shops sell online also.

I am very disappointed. We were in week six of vaccinations after a month of discussion and the county was not prepared at all on how to deal with this life safety issue: vaccination. It's one thing to not be prepared but it's worse to misappropriate a tax payer paid for a life safety vaccine. Texas is part of the state health and services is clear in its directive on who can get the vaccine now: frontline health care workers and residents of long term care facilities (called Phase 1A) plus people over age 65 with a chronic medical condition that puts them at an increased risk for severe illness with COVID 19 (Phase 1B). By these state guidelines, these are the only citizens eligible to receive the vaccination until further notice. That directive from the state DSHS is not complicated or ambiguous. Instead, Judge Mills had his secretary call Keith Barrett at the Nav District and advise him that he had 25 doses set aside for the entire staff and elected officials at the Nav District, ignoring the clear state directive on how to distribute the vaccine. I understand The City of Rockport got doses for their entire staff and Council too - despite the fact that City Hall's been closed to the public for almost a year. This unofficial list was rumored to have been circulated by The Chamber of Commerce. The Chamber volunteers called friends of friends and got them on the list. Heck, Judge Mills knocked on at least one of my neighbor's doors and invited that family to get in line. Tents were set up, 300 people got doses, and not one announcement was made to the general public. Only after the public found out about this the day afterwards, did we learn of a special way to sign up for vaccines. This weekend's newspaper claimed that this was just a trial to test Aransas County's ability to successfully hold a COVID 19 vaccine drive-through event. Also,

staff members of public health Region 11 were on staff to monitor how the event proceeded. So let's grade how the test went. A test would be 25 vaccinations not the whole lot of 300. No announcement was made to the public. Staff and friends of local government were vaccinated that did not meet the simple qualification of either Phase 1A or 1B. I would say that it was a failure. I hope Aransas County's failure and abuse doesn't prevent additional doses from coming to our citizens. As of this date, we have not heard of more coming. Judge Mills, the citizens that pay your salary deserve an honest, transparent, and capable leader - especially during this health crises. You have proven to not be any of those, in my opinion. You used insider information to gain access to a public-paid scarce life-safety vaccine and abused it. Maybe illegally. Judge Mills, you have abused the power entrusted in you and violated public trust. I ask for your resignation. I ask the County Attorney to look into this further to determine if any laws were broken. The citizens of Aransas County have a right to not be continually bypassed over by the people of power and influence in this county.

**Kristie Rutledge:** On the sales tax exemption for Rockport Cultural Arts District, this sets up a situation of winners and losers in our county, where one kind of business in one location is favored over the others. There's at least one art company in the same shopping center that you're in. This sets up an unfair advantage to those downtown and I'm sure that this artist here where you're located would feel disadvantaged and unappreciated by the county. It's not necessary to offer sales tax exemptions in order for someone to purchase art. If they're going to buy art, they're going to buy art. We do not need to create more government by rules like this or legislation - which I understand is the intent. We need to be making government smaller not bigger. I firmly oppose any new legislation for sales tax exemption and I'm asking

all commissioners to oppose item #11. Let's make sure business is fair for all in Rockport, where all entrepreneurs can thrive and flourish through the free market in our community.

Item #12 and item #11, there's no agenda packet. There's no transparency. Have the commissioners been able to read all of the information on items 11 and 12? Has the public had an opportunity to review this in order to have time to speak with their commissioners about anything on this agenda? I request that you delay item #12 and take it off of the consent agenda until you have a chance to show us all and the commissioners what was actually spent in the HOT tax funds for the Rockport-Fulton Chamber of Commerce. We had a situation last year where the Chamber of Commerce was engaged in a PAC against the citizens opposing the bond election. And, this was done by the county. I think the public and the commissioners have a right to know how our HOT tax funds are being spent: not just a spreadsheet, we need detail and we need that to be provided ahead of the meeting, ahead of the vote. Transparency is a good thing in your community. It's a part of responsible government. So, I'm asking that item #12 be pulled from the consent agenda until all documents can be reviewed. Taxpayer funded lobbying is very distasteful and there's apparently legislation pending at the state level to ban this practice. It's unethical and we don't think that HOT funds should be mingled in any way, shape, or form for taxpayer-funded lobbying for the Chamber of Commerce or any other group. So, I appreciate that this item be looked at in further detail so you know exactly how your HOT tax funds were spent. Thank you.

**Richard Smith:** Thank you, Judge and Commissioners for allowing me to speak. I'm a permanent resident of Rockport and my concern is the vaccination and how it is announced. I want to say that the vaccination at Paws and Taws went really smoothly. I was really

impressed at how well it all went through, however, we heard about it by word of mouth. We didn't hear about the one at Walgreens or the one at Family Planning Center but we did hear about this one. My question is: What are we going to do to announce the next one? How about the people who have already had their first shot, what are they going to do about getting their second shot? Are we just going to get it by word of mouth? You know. That's not the way it should be done and the time is ticking on the people who got their first shot at Family Planning Center and Walgreens. What are they going to do - every morning keep checking their website to see if it's available? That's a real process to do. And, there are a lot of senior citizens living in Aransas County, not all of them are savvy when it comes to doing that type of thing so my question to you all is: Is Aransas County going to step forward and try to do something different? I'm just curious. What are you guys going to do, you know, for the people out here that pay your salaries and everything? But, I do thank you very much. I appreciate your time.

Judge Mills then called for Ken Patel to speak (since he signed up to speak) but Mr. Patel did not respond.

#### **PRESENTATIONS**

There were none.

#### **CONSENT ITEMS**

1. Minutes from the January 11, 2021 Regular Meeting.
2. Acknowledge receipt of and record in the minutes of Commissioners Court: **County and District Clerk's Association of Texas continuing education of 20 hours in 2020 for District**

**Clerk Pam Heard as prescribed in Section 51.605 of the Texas Government Code.**

3. Approve Official Public Bond Renewal Certificate for County Floater Charlotte E Auckland.
4. Approve Official Public Bond Renewal Certificate for County Commissioner Jack Chaney.
5. Approve Official Public Bond Renewal Certificate for Deputy Sheriff James L. Weston.
6. Approve Official Public Bond Renewal Certificate for Sheriff William Mills.
7. Approve Official Public Bond Renewal Certificate for Constable Precinct 1, Harry D. Thomas.

A motion was made by Commissioner Casterline and seconded by Commissioner Rousseau to approve the consent items.

Question. Motion carried unanimously.

It is so ordered.

**COUNTY REPORTS**

8. Following Executive Director and Marine Archaeologist Justin Parkoff's report to the Court, a motion was made by Commissioner Rousseau and seconded by Commissioner Casterline to approve the 4th Quarter 2020 Report for the Maritime Museum as given.  
Question. Motion carried unanimously.  
It is so ordered.
9. Following Betty Stiles' report to the Court, a motion was made by Commissioner Rousseau and seconded by Commissioner Casterline to approve the 4th Quarter 2020 Report for the Aransas County Historical Commission as given.

Question. Motion carried unanimously.

It is so ordered.

10. A motion was made by Commissioner Rousseau and seconded by Commissioner Casterline to approve the changes to the 2021 Appointments for the Aransas County Historical Commission.

Question. Motion carried unanimously.

It is so ordered.

11. Judge Mills moved to approve the proposed Sales Tax Exemption Initiative for the Rockport Cultural Arts District, however, no second was made so the motion died. A motion was then made by Commissioner Casterline and seconded by Commissioner Rousseau to disapprove the proposed Sales Tax Exemption Initiative for the Rockport Cultural Arts District. Jennifer Day then presented the proposed sales tax initiative.

Question. Motion carried three to one, with Judge Mills as the dissenting vote.

It is so ordered.

12. Diane Probst, President/CEO, gave the Chamber's 1<sup>st</sup> Quarter HOT Funds Report to the Court. A motion was made by Commissioner Casterline and seconded by Commissioner Rousseau to approve the 1st Quarter 2021 HOT Funds Report for the Rockport-Fulton Chamber of Commerce as given.

Question. Motion carried unanimously.

It is so ordered.

#### COUNTY ROADS

13. A motion was made by Judge Mills and seconded by Commissioner Casterline to approve a request for variance on County minimum lot size requirements at 134 & 138 Copano Ridge Road to allow the replat of two and a half lots into two lots.



Question. Motion carried unanimously.

It is so ordered.

**COUNTY ATTORNEY**

14. A motion was made by Commissioner Laubach and seconded by Commissioner Rousseau to designate Martha Luigi Auditorium, which is located within the county seat of Aransas County at 1803 Omohundro, Rockport, TX 78382, as an Auxiliary Courtroom for the District Courts and the County Court at Law until further notice, pursuant to Texas Local Government Code Section 292.001. County Attorney Amanda Oster and Judge Patrick Flannigan spoke in favor of the use.

Question. Motion carried unanimously.

It is so ordered.

**CONTRACTS, AGREEMENTS, GRANTS & LEASES**

15. A motion was made by Commissioner Rousseau and seconded by Commissioner Casterline authorizing the County Judge to sign, as a witness, a Contract for Election Services between Aransas County Elections Administrator and the Town of Fulton for the Joint Election to be held on May 1, 2021.

Question. Motion carried unanimously.

It is so ordered.

16. John Strothman informed the Court of the need to repair the foot bridge over Tule Creek (an Aransas Pathways project). A motion was made by Commissioner Casterline and seconded by Commissioner Laubach authorizing the County Judge to sign a Proposal for York Bridge Company to repair the Tule Creek foot bridge at a cost of \$27,000 to the County: \$16,000 for labor and \$11,000 in materials to upgrade the composite decking and rail cap.

Question. Motion carried unanimously.

It is so ordered.

17. A motion was made by Judge Mills and seconded by Commissioner Casterline authorizing the County Judge to sign a contract with JM Davidson, LTD for the dredging of Cedar Bayou/Vinson Slough. John Strothman talked about the project and the grant funding. Question. Motion carried unanimously.

It is so ordered.

18. A motion to approve acceptance of a \$1,700,000 Economic Development Administration Grant with a total project cost of \$2,138,731 for a workforce development and entrepreneurship center (matching funds provided by public and private sector cash, in-kind and workforce account donations in the amount of \$438,731) and authorizing the County Judge to sign the Financial Assistance Award Form and any related documents was made by Commissioner Casterline and seconded by Judge Mills. Kristie Rutledge spoke out against the court approving acceptance of this grant if the court hasn't actually received and reviewed the details of the grant and the long-term obligations it has for Aransas County. Kim Foutz then reminded the court about previous presentations given and the original resolution signed by the Commissioners Court and the partnership with Del Mar – and we already have an MOU with them for operation of the facility. She talked about the programming. She also talked about the financial implications, including the matching funds coming from private donation commitment. She stated that the original resolution that was signed by the court back in July did provide for the Judge to be able to sign all documents for application it also authorized what we are talking about today. The only reason it is on today's agenda is because, back then, one of the commissioners asked for it to come back to court

after it was awarded. Basically, this is a reauthorization of what has already been presented to the court and approved. Commissioner Laubach moved to table the motion because she has not seen the grant information. There was no second for her motion to table so it died. Commissioner Rousseau asked about the commitment letters and wanted to know what would happen if the commitment letters were no honored. Ms. Foutz said that they would go out for fundraising.

Question. Motion brought a split vote with Commissioner Casterline and Judge Mills voting in favor and Commissioner Rousseau and Commissioner Laubach voting against. Because of the split vote, Judge Mills asked for a motion to table. Commissioner Casterline provided the motion and Judge Mills seconded the motion. The motion to table carried unanimously. It is so ordered.

#### **PLANNING & BUDGET**

19. A motion was made by Commissioner Casterline and seconded by Commissioner Rousseau adopting the Aransas County Fund Balance Policy as submitted by County Auditor Jacky Cockerham.  
Question. Motion carried unanimously.  
It is so ordered.
20. A motion was made by Commissioner Rousseau and seconded by Commissioner Casterline adopting the Aransas County Cash Handling Policy as submitted by County Auditor Jacky Cockerham.  
Question. Motion carried unanimously.  
It is so ordered.
21. A motion was made by Commissioner Casterline and seconded by Commissioner Rousseau adopting the Aransas County Fraud Prevention and Detection Policy as submitted by County Auditor Jacky Cockerham.

Question. Motion carried unanimously.

It is so ordered.

- 22.** A motion was made by Commissioner Laubach and seconded by Commissioner Rousseau adopting the Aransas County Fixed Asset Methodology Policy as submitted by County Auditor Jacky Cockerham.

Question. Motion carried unanimously.

It is so ordered.

- 23.** A motion was made by Commissioner Laubach and seconded by Commissioner Rousseau adopting the Aransas County Financial Procedure Policy for 2021 as submitted by County Auditor Jacky Cockerham.

Question. Motion carried unanimously.

It is so ordered.

- 24.** A motion was made by Commissioner Casterline and seconded by Commissioner Laubach to approve a policy setting a new Governmental Accounting Standards Board (GASB) 34 for Uncollectable Receivables as submitted by County Auditor Jacky Cockerham.

Question. Motion carried unanimously.

- 25.** County Auditor Jacky Cockerham reported no Budget Line Item transfers or amendments. A motion was made by Commissioner Casterline and seconded by Commissioner Rousseau to approve the Budget Line Item Transfers and Amendments for this period.

Question. Motion carried unanimously.

It is so ordered.

- 26.** Ms. Cockerham also stated that our Accounts Payable and Payroll/Payroll Liabilities were all normal for the period. A motion was made by Commissioner Rousseau and seconded by

Commissioner Laubach to approve Accounts Payable and Payroll/Payroll Liabilities.

Question. Motion carried unanimously.

It is so ordered.

**REPORTS FROM COMMISSIONERS, ELECTED OFFICIALS &  
DEPARTMENT HEADS WHEREIN NO ACTION WILL BE TAKEN**

**Commissioner Laubach read a letter from Kathy Kane** asking the court to address the vaccination situation we are experiencing in Aransas County relating to the distribution of the COVID vaccine. We are a relatively small county and should be able to come up with a solution that fairly addresses how to distribute this vaccine in the prescribed order of neediest first. The recommendation to call numerous sites every day to try to get your name on the list is inefficient and frustrating - especially to our at-risk 1B residents. My mother falls into that category and she is frustrated with the process and has decided to stop trying. It is your responsibility to protect the residents' health and this falls within your purview. Give us one place to register. Have the suppliers come to this one list to select the recipients. Let them call the list and make the appointments. By having everyone on one list, we will be able to administer to the neediest people first, before giving the vaccine to 1C and the general population. Going forward with a haphazard approach is not acceptable leadership.

**Judge Mills** in answer to Ms. Kane and to all of the others who spoke out about the vaccine distribution responded. The vaccine notification was twenty-four hours. We had twenty-four hours to set it up and have a plan of action. Aransas County has nothing to do with the list. I, personally, went to Nueces County and got my shot so there was no favoritism. Yeah. Somebody - I don't remember who - there was a call asking for the people who work for

Aransas County and I think they called the City of Rockport and Navigation District too. I have no idea who was called but I all of Aransas County employees were not vaccinated in this recent vaccination. As far as me going to someone's door and inviting them to go get a shot - the man was on television venting his frustrations about going to Robstown, he and his wife, at 4:30 in the morning. I asked that he be put on the waitlist if there was an opening. There was but they couldn't get a hold of him. They called me and asked if I knew the man. I said no but I can find him. So, yes, I went to his house and knocked on his door and said if you want that shot, you and your wife, you need to get down there. That's the end of it. That's my statement.

**No further business presenting, the Court adjourned at 11:04 a.m.** on a motion duly made by Commissioner Casterline and seconded by Commissioner Rousseau.

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

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CARRIE ARRINGTON, EX-OFFICIO CLERK  
OF THE COMMISSIONERS' COURT