

MINUTES OF THE

COMMISSIONERS' COURT

REGULAR MEETING - NOVEMBER 12, 2019

On the 12th day of November, 2019, 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; **Leslie "Bubba" Casterline**, Commissioner, Precinct 2; **Charles Smith**, Commissioner, Precinct 3; **Wendy Laubach**, 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; **Pam Heard**, District Clerk; **Bill Mills**, Sheriff; **Suzy Wallace**, County Auditor; **Latisha Murphy**, Administrative 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; **Debbra Simank**, Health Inspector; **John Strothman**, Pathways Project Manager; **Michele Bennett**, Elections Administrator; **Rene Butler**, Facilities Director; **Lori Cesar**, Animal Control Director; **Lois White**, Chief Deputy Treasurer; **John Gutierrez**, Chief Deputy Sheriff;

Long-Term Recovery Specialists: **Kim Foutz**; **Randall Freeze**;

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

City of Rockport Council Members: Barbara Gurtner, Ward 4;

Aransas County Citizens: Jeffery Wilhutt; Andrew Kane;

Chamber of Commerce: Diane Probst, President/CEO;

Friends of the History Center: Robert Lawrence, President;

The Rockport Pilot Newspaper: Mike Probst, Editor and Publisher;

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

Jeffery Wilhutt: Read a typed statement he wrote and presented to the court. (See attached)

Andrew Kane: You are here to vote, again, on the Local Government Corporation, the LGC, (Item #9 on the Agenda, previously tabled on October 28, 2019), you're not voting on the EDC. Have you seen the Articles of the Incorporation or the Bylaws of the EDC? All of the talk has been about the LGC, which in fact, it is the EDC that is going to be making all of the transactions such as real estate, marketing specific businesses, specific lots over other businesses, or other private lots, providing grant money to that one specific business, or a tax abatement utility assistance, and many other incentives to a private business. You authorize the LGC, they authorize the EDC, have you even seen a proposed budget of the LGC or the EDC, was one ever presented to you? I know, in fact,

(Insert)

that it has not, and it makes me wonder why. At this time, how can you make a good faith judgment about something you have been presented so little on in a one-sided presentation? You will have one of four representatives on the LGC, but the EDC, where the work is being done, and who is not bound to report to local governments, there are twelve directors and you only get one. The four local governments get four directors, the Chamber gets two, those directors elect two more, the scary and dangerous fact is that the local businessmen, who donate thousands of dollars to invest in the EDC, will get a membership to the EDC. Those businesses with thousands a year of donations will get to elect four of their own directors to serve on the EDC, to represent and present their ideas that benefit the rich members of this business community who invested in the EDC. The business people in the community, that paid for the presentation, get as much representation as all four of the local governments combined, but not all businesses get that huge voice, only the ones that invested in memberships alone. The details of what it takes to get the money has not been decided on yet, but I've been told it will be \$10,000 a year, \$5,000 a year, or \$2,500 a year. Does a person putting in \$10,000 a year get more votes or control than a business person only putting in \$5,000 a year? I don't know, do you? I doubt it, because the details of the EDC have not been presented to you, but I know the small businessmen in this community, who can't afford to participate and pay for memberships, don't get any representation at all, and the County gets one out of twelve directors. So, my big problem with the EDC is how it's funded, \$29,000 comes from the four local governments, the first year's budget is over \$100,000 and up to \$150,000 I am told. I'm

sorry, you have to trust me because you haven't see that budget, where is that money coming from? Local businessmen, who want to control the growth of the county, with their vision and determine how development grants are spent, who gets invited to open businesses, and what properties are marketed for development by the EDC over others, and what financial incentives are offered to that specific business over another one, or an existing one, creating an unlevelled marketplace, picking winners or losers, and all with the power that the local governments entrusted in them. Google around, most all EDC's are entirely supported by sales tax revenue, and the one that the LGC will form will be supported by private money who will stand to gain the most or get to push their vision of our future business economy, they also hold the same number of directors on the EDC as all four local governments do. The whole push, the vision, and speak with one voice, is lobbied by the Chamber of Commerce, but their job, in my opinion, is to promote the whole area as a desirable place for visitors and businesses to come in, not to specific properties or specific businesses. With the new marketing poll, the EDC will promote certain property development over others and give certain businesses the incentives financially to do so and that is not a level playing field in the drill down to specific properties and specific businesses to enjoy the real estate transactions, abatements, and grants is not a function of the Chamber or a local government. I'm told the LGC is not designed to have paid employees but the bylaws, pages 7 and 8 describe the duties and pay of the president, full time, and part time employees. I was told that this is not the design to allow for paid executives but it was too late to make changes now and once it is formed

the directors could change that up, I was seriously told that we have to pass it to get it fixed. Today I'm not asking you to vote on the EDC, you can't, you won't ever get a chance to vote on the EDC because it hasn't been properly presented, just the LGC who will then form the EDC. I'm not asking you to vote NO today on the LGC, I'm asking you to pump the brakes, put this to a workshop so all of these details can be understood and examined, get your questions asked, get the details of the EDC out in the open, the budget, the plan they have, in front of you plus where does all this money really come from? Also, how come the people who pay memberships get as much or more power and control on the EDC board than all of local governments do? Putting the government in the business and creating a new governmental branch is way too serious of an endeavor to do without all of the paperwork looked at, examined, and questioned. Thank you.

CONSENT ITEMS

Motion was made by Commissioner Smith and seconded by Commissioner Casterline to **approve**:

1. Minutes from the Regular Meeting of October 18, 2019.

Question. Motion carried unanimously.

It is so ordered.

COUNTY REPORTS

2. Motion was made by Commissioner Casterline and seconded by Commissioner Chaney to **disapprove** authorizing the County Judge

(Insert)

to extend the Burn Ban Order due to on-going drought conditions in Aransas County, the current Supplemental Proclamation Order #PO-63-2019-A, which would have expired on November 17, 2019, having already been lifted.

Question. Motion carried unanimously.

It is so ordered.

3. Motion was made by Commissioner Smith and seconded by Commissioner Laubach to **approve** the Canvassed Ballots from the November 5, 2019 General Election.

Question. Motion carried unanimously.

It is so ordered.

4. Motion was made by Commissioner Smith and seconded by Commissioner Casterline to **approve** the 2019 3rd Quarter Report for the Friends of the History Center.

Question. Motion carried unanimously.

It is so ordered.

5. Motion was made by Commissioner Smith and seconded by Commissioner Chaney to **approve** the 2019 3rd Quarter Report for the Rockport-Fulton Chamber of Commerce.

Question. Motion carried unanimously.

It is so ordered.

COUNTY ROADS

6. Motion was made by Commissioner Casterline and seconded by Commissioner Chaney to **approve** advertising for 2020 Road Materials Bids.

Question. Motion carried unanimously.

It is so ordered.

(Inserts)

CONTRACTS, AGREEMENTS, GRANTS & LEASES

7. Motion was made by Commissioner Smith and seconded by Commissioner Laubach to **approve** and authorize the County Judge to sign an Interlocal Agreement with the Department of Public Safety (DPS) for the DPS Administration Position. Question. Motion carried unanimously. It is so ordered.
8. Motion was made by Commissioner Laubach and seconded by Commissioner Smith to **disapprove** authorizing the County Judge to sign a Contractual Agreement between Aransas County and Code 3 Emergency for monthly financial support guaranteeing that said subsidies will be disbursed only as physician compensation. [Previously tabled on October 28, 2019]. Question. Motion carried unanimously. It is so ordered.
9. Motion was made by Commissioner Laubach and seconded by Commissioner Chaney to **TABLE** authorizing the County Judge to sign revisions to the Articles of Incorporation, Bylaws, and Interlocal Agreement for the Aransas County Alliance Local Government Corporation (previously approved by Commissioners Court on May 13, 2019) made by the Aransas County Navigation District. [Previously Tabled on October 28, 2019] Question. Motion carried unanimously. It is so ordered.
10. Motion was made by Commissioner Smith and seconded by Commissioner Casterline to **approve** and authorize the County Judge to advertise a Request for Qualification compliant with 2 CFR for a Construction Manager Agent (CMA) to serve as a

(Insert)

quality control adviser/agent for the Downtown Anchor Project as soon as practical.

Question. Motion carried unanimously.

It is so ordered.

11. Motion was made by Commissioner Smith and seconded by Commissioner Chaney to **approve** Resolution #R-40-2019, a Resolution of the Aransas County Commissioners Court supporting the selection of a Construction Manager Agent (CMA) for the Downtown Anchor Project.

Question. Motion carried unanimously.

It is so ordered.

12. Motion was made by Commissioner Chaney and seconded by Commissioner Casterline to **approve** and authorize the County Judge to sign a new Interlocal Agreement for Restaurant Health Inspection Services with the City of Aransas Pass, covering the Aransas County portions of the City.

Question. Motion carried unanimously.

It is so ordered.

13. Motion was made by Commissioner Chaney and seconded by Commissioner Smith to **approve** and authorize the County Judge to sign the Texas A&M University System Interagency Cooperation Contract and Agreement between Aransas County and the Texas A&M University System Health Science Center on behalf of the A&M Rural and Community Health Institute.

Question. Motion carried unanimously.

It is so ordered.

(Inserts)

PLANNING & BUDGET OFFICE

14. Motion was made by Commissioner Smith and seconded by Commissioner Casterline to **approve** October 2019 Indigent Health Care Report.
Question. Motion carried unanimously.
It is so ordered.
15. Motion was made by Commissioner Casterline and seconded by Commissioner Laubach to **TABLE** creating a new Full-time Floater Position in Human Resources to cover temporary needs for administrative and clerical jobs in lieu of using temporary agencies to be paid for by departments requesting assistance [Previously tabled on October 28, 2019].
Question. Motion carried unanimously.
It is so ordered.
16. Motion was made by Commissioner Smith and seconded by Commissioner Casterline to **TABLE** the proposed job description for Jailer-Admin. Lieutenant. No new money.
Question. Motion carried unanimously.
It is so ordered.
17. Motion was made by Commissioner Chaney and seconded by Commissioner Laubach to **approve** a pay group change for an individual in the District Clerk's Office to facilitate what would be a normal merit step increase if there was a step beyond Step 15 in the Pay Group.
Question. Motion carried unanimously.
It is so ordered.
18. Motion was made by Commissioner Casterline and seconded by Commissioner Smith to **approve** Budget Line Item Transfers of

(Insert)

which there were none.

Question. Motion carried unanimously.

It is so ordered.

19. Motion was made by Commissioner Casterline 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

Sheriff Mills: I would ask that in the discussions that occurred this morning, we've had two different deals regarding pay, temporary employees, that the court would entertain the idea that you might bring somebody in to look at the pay grade scales, the cap is going to kill us next year. I currently have positions right now that we've advertised for and we are not filling because we are going with the same plight that we did 5 to 6 years ago and it's agencies outside of your array, my office for employees, and the rub that we have is that housing wise it was and it's going to get worse, it's an expensive place for people to live here. The temps don't want to drive to Rockport from Corpus for the same reason that my deputies live in Corpus because it's cheaper, but I don't pay them a salary that allows them to really stay here and I think it's early enough that we need to start entertaining it because next year's budget is going to be tough and we may have an issue with filling positions, for my office anyway, I don't know if everybody else's deal, but I just think now is the time we ought

(Insert)

to start looking at this.

Alma Cartwright: Judge I'd like to add, if you look at the TAC salary survey and comparable counties of comparable population we are very well below most comparable counties in pay across the board, so he's correct, it should be analyzed somehow.

Kristen Barnebey: Just from our perspective too, from the County/District Attorney's Office, we would support the Sheriff's Office increasing, because we train as well and absolutely we support pay increases.

Commissioner Chaney: And this goes right back to what the District Clerk was saying, or everybody was saying, if we had a really good process for step, it's time to access the process again.

Judge Mills: Well, we'll have to look into that.

Commissioner Smith: I found it interesting that the Legislature, in their infinite wisdom this year, passed selective pay increases for certain folks in County Government, they passed pay increases for school teachers and things like that, but what did they do to the county? They came along and imposed a 3 ½ % cap, which is more than eaten up by the mandates that they pass each year, I addressed this problem three or four months ago, it's not going to be an easy year next year. We can sit here and do all we want but what's going to actually have to happen, and I hate to say this, is that if we have to live with that 3 ½ % cap we can actually go over it, a mandatory election, and then if it's rolled back we only have one other option and that's to curtail services, is that what the Legislature wants us to do? Shorten hours and do things and maybe we don't have

as many deputies out on the highway out there and that whole Schmidt, I mean that is where we are headed under this particular 3 ½ %, they went around and boasted that they had saved tax payers money.

No further business presenting, the Court adjourned at 10:26 a.m. on a motion made by Commissioner Smith and seconded by Commissioner Laubach.



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



Valerie K. Amason

VALERIE K. AMASON,
EX-OFFICIO CLERK OF THE
COMMISSIONERS' COURT