

MINUTES OF THE
COMMISSIONERS' COURT

REGULAR MEETING - FEBRUARY 10, 2014

On the 10th day of February, 2014, 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; Betty Stiles, Commissioner, Precinct 4 and Peggy L. Friebele, County Clerk.

Other County Officers present were Lezlie Kirk, County Auditor; Jerry Brundrett, County Surveyor; Alma Cartwright, County Treasurer; David Vyoral, Road Administrator; David Reid, Drainage Engineer; Bill Mills, Sheriff; Pat Rousseau, Human Resources Director; John Strothman, Project Manager; Pam Heard, District Clerk; Richard Bianchi, County Attorney; and Mike Welborn, District Attorney.

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:

CITIZENS TO BE HEARD

No citizens asked to be heard.

PRESENTATIONS

Ginger Easton-Smith and Kirstin Corda, Agricultural Extension Agents, gave a presentation on the A&H Show. Twenty-eight (28) 4-H members entered the show and twelve (12) made it to auction.

ITEMS FOR DELIBERATION AND/OR ACTION

MINUTES

Motion was made by Commissioner Chaney and seconded by Commissioner Casterline to approve the minutes of the Regular Meeting of January 27, 2014 and the Special Meeting held January 31, 2014.

Question. Motion carried unanimously.

It is so ordered.

AQUARIUM AT ROCKPORT HARBOR - 4TH QUARTER 2013 HOT FUNDS REPORT

Motion was made by Commissioner Casterline and seconded by Commissioner Stiles to approve the Aquarium at Rockport Harbor Fourth Quarter 2013 Hotel Occupancy Tax Funds expended.

Question. Motion carried unanimously.

It is so ordered.

(Report inserted)

ROCKPORT-FULTON CHAMBER OF COMMERCE REQUEST FOR FUNDING

Motion was made by Commissioner Chaney and seconded by Commissioner Stiles to approve request from Rockport-Fulton Chamber

of Commerce for funding in the amount of \$3,750.00 for the Economic Development Committee (EDC) (not hotel/motel tax).

Question. Motion carried with Commissioner Smith abstaining.
It is so ordered.

AMENDED RESOLUTION - RESTORE ACT

Motion was made by Commissioner Casterline and seconded by Commissioner Smith to approve Amended Resolution #R-02-2014-A supporting the implementation of the Restore Act in Texas.

Question. Motion carried unanimously.
It is so ordered.

(Amended Resolution inserted)

MOBILE EIC OPERATIONS - INTERLOCAL COOPERATION CONTRACT

Motion was made by Commissioner Smith and seconded by Commissioner Casterline to approve and authorize County Judge to sign an interlocal cooperation contract (mobile EIC operations) with Texas Department of Public Safety (TXDPS).

Question. Motion carried unanimously.
It is so ordered.

(Contract inserted)

BEE COMMUNITY ACTION AGENT - BLOCK GRANT

Motion was made by Commissioner Smith and seconded by Commissioner Chaney to approve and authorize County Judge to sign Bee Community Action Agency (BCAA) Community Services Block Grant (SBG) Subcontract No. 61140001825-A for calendar year 2014.

Question. Motion carried unanimously.
It is so ordered.

(Subcontract inserted)

PROPERTY & CASUALTY INSURANCE

Motion was made by Commissioner Smith and seconded by Commissioner Stiles to approve renewing property and casualty insurance coverage for Aransas County with GSM Insurors and authorizing payment of invoice for same.

Question. Motion carried unanimously.
It is so ordered.

(Statement inserted)

FISCAL YEAR 2013 AUDIT

Motion was made by Commissioner Smith and seconded by Commissioner Chaney to approve fiscal year 2013 audit services with Michael A. Arnold, PLLC, CPA.

Question. Motion carried unanimously.

It is so ordered.

ALLEYWAY CLOSING - MANNING ADDITION

Motion was made by Commissioner Casterline and seconded by Commissioner Chaney to approve preliminary alleyway closing in Block 323 of the Manning Addition.

Question. Motion carried unanimously.

It is so ordered.

PATHWAYS 2014 WORK PROGRAM AND BUDGET

Motion was made by Commissioner Smith and seconded by Commissioner Stiles to approve the Aransas Pathways 2014 Work Program and Budget.

Question. Motion carried unanimously.

It is so ordered.

(Budget inserted)

STORMWATER - CHANGE ORDER

Motion was made by Commissioner Smith and seconded by Commissioner Casterline to approve change order #1 for the Upper Tule Creek Stormwater Improvements Project.

Question. Motion carried unanimously.

It is so ordered.

(Change order inserted)

PROFESSIONAL SERVICES CONTRACT - NAISMITH ENGINEERING

Motion was made by Commissioner Casterline and seconded by Commissioner Stiles to approve and authorize County Judge to sign a professional services contract with Naismith Engineering, Inc. For engineering, permitting and construction documents for six (6) culverts on TXDOT roadways.

Question. Motion carried unanimously.

It is so ordered.

(Contract inserted)

TOBACCO SETTLEMENT FUNDS

Motion was made by Commissioner Smith and seconded by Commissioner Casterline to approve and authorize County Treasurer to apply for and receive the 2013 distribution of proceeds from the Tobacco Settlement Fund from the Texas Department of State Health Services (DSHS), based on the County's unreimbursed health care expenditures for calendar year 2013.

Question. Motion carried unanimously.

It is so ordered.

EARLY VOTING CLERKS - MARCH 4, 2014 PRIMARY

Motion was made by Commissioner Casterline and seconded by Commissioner Chaney to approve appointment of Deputy Early Voting Clerks for the March 4, 2014 Democratic and Republican Primary Election.

Question. Motion carried unanimously.

It is so ordered.

(List inserted)

ORDER FOR SATURDAY/SUNDAY VOTING

Motion was made by Commissioner Smith and seconded by Commissioner Casterline to approve pro forma Order for additional Early Voting on Saturday, February 22, 2014, and Sunday, February 23, 2014.

Question. Motion carried unanimously.

It is so ordered.

(Order inserted)

OFFICIAL BOND

Motion was made by Commissioner Casterline and seconded by Commissioner Chaney to approve Public Official Bond on Jo Ann Juarez, Deputy County Clerk.

Question. Motion carried unanimously.

It is so ordered.

(Bond inserted)

TREASURER'S REPORT - JANUARY 2014

Motion was made by Commissioner Smith and seconded by Commissioner Stiles to approve the County Treasurer's Report for January 2014.

Question. Motion carried unanimously.

It is so ordered.

(Report inserted)

INDIGENT HEALTH CARE REPORT - JANUARY 2014

Motion was made by Commissioner Smith and seconded by Commissioner Casterline to approve indigent health care report for January 2014.

Question. Motion carried unanimously.

It is so ordered.

(Report inserted)

BUDGET LINE ITEM TRANSFERS

There were no budget line item transfers presented by County Auditor Kirk.

ACCOUNTS PAYABLE

Motion was made by Commissioner Casterline and seconded by Commissioner Chaney to approve the accounts payable presented by County Auditor.

Question. Motion carried unanimously.

It is so ordered.

The Court entered into closed session at 9:59 a. m. as authorized by Texas Government Code Section 551.072 to discuss real estate negotiations, including Pathways Projects; and to discuss with County's legal counsel potential litigation pursuant to Texas Government Code Section 551.071(1)(a) and other matters covered by attorney-client privilege pursuant to Texas Government Code Section 551.071(2); and resumed Open Meeting at 11:02 a.m. with all members present, and further proceedings were had and done to wit:

SUCCESSOR COUNTY ATTORNEY AFTER PRIMARY

Judge Mills stated, "The Court has discussed with our legal counsel the appointment procedure for the County Attorney position, and I believe we should defer any action pending the outcome of the electoral process. In the meantime, I personally reject the threats of action and feel that my decision is in accordance with my legal responsibilities under *Government Code Section 87.041*. Additionally, if the District Attorney wants to file a lawsuit against someone, I feel he should just file against the Commissioners' Court."

Commissioner Smith asked the following taken from a letter dated February 6, 2014, from County Attorney Richard P. Bianchi be entered in the Court's minutes - "You have and continue to act in accordance with the law. However, a change of circumstances may be nearing that should be considered. There is no candidate in the Democrat Primary, so the winner of the Republican Primary on March 4 will be the likely replacement. When you are able to determine the final winner of the Republican Primary, that such candidate is able to assume office, and also reasonably determine there will be no independent candidate, circumstances warrant a reassessment of appointing my replacement." Smith also stated Commissioners' Court has had a history of appointing candidates when there is no other candidate for a position.

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

Commissioner Chaney told the Court Ector County has a kiosk outside

the Courthouse that allows a person to make payments after hours. He asked IT Director Collin Jackson to look into this for our County.

REPORTS ABOUT ITEMS OF COMMUNITY INTEREST

Commissioner Stiles reminded everyone that LaMardi Gras is this weekend in Lamar.

Commissioner Chaney said the quality of road work done by the Road and Bridge Department was very visible at the new Lamar Fire Station.

PRESS QUESTIONS

Norma Martinez with The Rockport Pilot asked to get copies of the statements made by Judge Mills and Commissioner Smith regarding the County Attorney.

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

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

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