

MINUTES OF THE
COMMISSIONERS' COURT

REGULAR MEETING - MARCH 11, 2013

On the 11th day of March, 2013, 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 Richard Bianchi, County Attorney; Lezlie Kirk, County Auditor; David Reid, Drainage Engineer; Jerry Brundrett, County Surveyor; Alma Cartwright, County Treasurer; David Vyoral, Road Administrator; Bill Mills, Sheriff; Gene Johnson, Airport Manager; James Jackson, Director of Environmental Health; Pam Heard, District Clerk; Justin Cook, IT Director; and Richard Thompson, Project Manager.

Rockport Mayor C. J. Wax, ACND Commissioners Judy Vlasek and Malcolm Dieckow, and Harbor Master Keith Barrett were also present. 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

There were none.

PRESENTATIONS

There were none.

ITEMS FOR DELIBERATION AND/OR ACTION

MINUTES

Motion was made by Commissioner Casterline and seconded by Commissioner Smith to approve the minutes of the Regular Meeting of February 25, 2013.

Question. Motion carried unanimously.

It is so ordered.

RENAMING OF HIGHWAY 1781

Motion was made by Commissioner Casterline and seconded by Commissioner Chaney to approve renaming Highway 1781 "Loop 1781" with approval of appropriate entities.

Question. Motion carried unanimously.

It is so ordered.

BEE COUNTY COMMUNITY ACTION AGENCY BOARD - APPOINTMENT

Motion was made by Commissioner Chaney and seconded by Commissioner Casterline to approve appointment of Lynn Blumenfield to fill Aransas County vacancy on the Bee County Community Action Agency Board replacing Stephen Johnson.

Question. Motion carried unanimously.

It is so ordered.

STORMWATER MANAGEMENT ADVISORY COMMITTEE

Motion was made by Commissioner Smith and seconded by Commissioner Stiles to approve appointment of Randy Hunter to represent Aransas Pass on the Stormwater Management Advisory Committee. Question. Motion carried unanimously.

It is so ordered.

LIAISON - ARANSAS COUNTY NAVIGATION DISTRICT

Motion was made by Commissioner Chaney and seconded by Commissioner Casterline to approve appointment of Commissioner Stiles to serve as Commissioners' Court liaison to the Aransas County Navigation District.

Question. Motion carried unanimously.

It is so ordered.

DETENTION SERVICES AGREEMENT - MARSHALS

Motion was made by Judge Mills and seconded by Commissioner Chaney to approve and authorize County Judge to sign a new detention services intergovernmental agreement with the U.S. Department of Justice/United States Marshals Service/Prisoner Operations Division retroactive to February 27, 2013

Question. Motion carried unanimously.

It is so ordered.

(Agreement inserted)

RESOLUTION - ARANSAS COUNTY NAVIGATION DISTRICT

Motion was made by Commissioner Chaney and seconded by Commissioner Stiles¹ to approve Resolution #R-09-2013 in support of Aransas County Navigation District in its attempt to have the Texas Legislature more clearly define the extent or limitation of authority, responsibilities, duties, management, and enforcement of the Navigation District's properties and rules.

Commissioner Smith made the following statement "I have reviewed and discussed with the ACND their request for support of the legislative changes to the water code they are seeking to clarify the law. In my opinion these are significant changes that go way beyond clarification. The proposed changes are as follows: 1. Granting ordinance authority to the ACND within Rockport and Fulton jurisdictions. This authority is currently prohibited under Sec. 60.071 of the Water Code. 2. Granting the ACND authority to build parks any where in Aransas County and including the purchase of recreational equipment and lifting the requirement that this action must be "necessary or incidental to the navigation of inland or coastal water or in aid of these purposes." [see 62.101]. Under the proposed change these parks wouldn't even have to be indirectly

related to a navigation purpose. 3. Granting the ACND the authority to levy its' own maintenance taxes without any oversight by the county commissioners court and lifting any restrictions on the use of these tax funds. [see 62.160] These proposed changes substantially increase the ACND's authority and substantially decrease the commissioners court oversight authority. If these changes are enacted, the ACND would be only navigation district so chartered in Texas to have this authority. The ACND is a special purpose district created by the legislature for "The improvement, preservation and conservation of inland and coastal waters for navigation" in Aransas County. The legislative intent was for the district to manage its' properties in such a way that users of the district's properties pay user fees sufficient to cover the expenses of maintaining the district. Decades of questionable management decisions by the ACND commissioners however, have resulted in the user fees falling far short of covering the district's expenses. In fact, preliminary unaudited financial results for 2012 indicate that these expenses exceed user fees by over \$1,100,000. This shortfall is a deterioration of approximately \$200,000 or more from 2011 results. Aransas County taxpayers accordingly had to pay approximately \$1,600,000 in taxes to keep the ACND financially sound. In my opinion these proposed law changes will do little or nothing to improve this situation. Their enactment however, in my opinion, would open the door to the possibility of more questionable decisions. For these reasons, I cannot and will not support his resolution."

Commissioner Casterline also stated he could not support the resolution after hearing the ACND wanted to control parks. He also asked if there was already a bill that had been drafted. County Attorney Bianchi stated he has only seen the ACND version and not the Legislature's bill.

Commissioner Chaney stated he brought the Resolution to the Court as support for the ACND not as support for changing any laws. After additional discussion, Judge Mills called the question and the motion failed with Commissioner Casterline, Commissioner Smith and Judge Mills voting "no".

It is so ordered.

LEASE AGREEMENT - CITY OF ROCKPORT

Motion was made by Commissioner Smith and seconded by Commissioner Casterline to approve and authorize County Judge to sign a lease agreement with the City of Rockport for the 5.036 ac Tule marsh east property (Aransas Pathways Project #007).

Question. Motion carried unanimously.

It is so ordered.

(Agreement inserted)

AMENDMENT - 2012 PRE-TRIAL INTERVENTION FUND

Motion was made by Commissioner Chaney and seconded by Commissioner Casterline to amend the County Attorney's pre-trial intervention fund 2012 fund transfer to an amount of \$18,865.66.

Question. Motion carried unanimously.

It is so ordered.

ARANSAS FIRST - TULE CREEK

Motion was made by Judge Mills and seconded by Commissioner Chaney to table approval of a request by Aransas First for reimbursement of up to \$10,000.00 of \$45,000.00 hotel-motel tax funds previously approved by Commissioners' Court on August 14, 2006, for restoration of Tule Creek and disposal of balance of allocation.

Question. Motion carried unanimously.

It is so ordered.

XEROX PHASER PRINTERS - DAHILL

Motion was made by Commissioner Chaney and seconded by Commissioner Smith to approve proposed Dahill Solution Print Management new Xerox phaser printers.

Question. Motion carried unanimously.

It is so ordered.

INTERGOVERNMENTAL AGREEMENT - CITY OF ROCKPORT

Motion was made by Commissioner Smith and seconded by Commissioner Stiles to approve and authorize County Judge to sign an intergovernmental cooperation agreement with the City of Rockport for the maintenance and repair of Airport property roads/FM 1781.

Question. Motion carried unanimously.

It is so ordered.

(Agreement inserted)

MASTER PLAN - ARANSAS COUNTY AIRPORT

Motion was made by Commissioner Chaney and seconded by Commissioner Stiles to authorize Airport Manager to apply for \$250,000.00 90/10 grant to secure a master plan for the Airport (county portion to be funded out of Airport funds).

Question. Motion carried unanimously.

It is so ordered.

TRACTOR MOWER - ARANSAS COUNTY AIRPORT

Motion was made by Commissioner Chaney and seconded by Commissioner Casterline to authorize Airport Manager to purchase through HGAC a four-wheel drive, air-conditioned and enclosed cab tractor mower

for Airport use.

Question. Motion carried unanimously.

It is so ordered.

TOBACCO SETTLEMENT FUND

Motion was made by Commissioner Smith and seconded by Commissioner Stiles to 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 2012.

Question. Motion carried unanimously.

It is so ordered.

PUBLIC OFFICIAL BOND

Motion was made by Commissioner Casterline and seconded by Commissioner Smith to approve public official bonds on Jo Ann Juarez, Deputy County Clerk, and Meredith N. Yarnell, JP Court Clerk; and bond continuation certificate on Betty Lou Watson, Deputy District Clerk.

Question. Motion carried unanimously.

It is so ordered.

(Bonds inserted)

CONTINUING EDUCATION

Judge Mills presented for recording in Commissioners' Court minutes certificates of completion to V. G. Young Institute of County Government School for County and District Clerks for Pam Heard, District Clerk and Peggy L. Friebele, County Clerk.

(Certificates inserted)

COUNTY TREASURER'S CORRECTED REPORT - DECEMBER 2012

Motion was made by Commissioner Smith and seconded by Commissioner Casterline to approve County Treasurer's Corrected December 2012 Report

Question. Motion carried unanimously.

It is so ordered.

(Report inserted)

COUNTY TREASURER'S REPORT - FEBRUARY, 2013

Motion was made by Commissioner Smith and seconded by Commissioner Stiles to approve County Treasurer's report for February, 2013 subject to clarification on indigent health care.

Question. Motion carried unanimously.

It is so ordered.

(Report inserted)

INDIGENT HEALTH CARE REPORT - FEBRUARY, 2013

Motion was made by Commissioner Smith and seconded by Commissioner Chaney to approve indigent health care report for February 2013. 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 Smith and seconded by Commissioner Casterline to approve the accounts payable presented by County Auditor. Question. Motion carried unanimously. It is so ordered.

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

County Auditor Kirk read the fee reports for February 2013 received from the District Clerk, County Clerk, Sheriff, and Justices of the Peace, Precincts 1 and 2.

(Report inserted)

District Clerk Heard reported one of her deputies saved the County \$42,000.00 by noticing potential fraud on a small estate affidavit filed on excess funds from a tax suit.

REPORTS ABOUT ITEMS OF COMMUNITY INTEREST

There were none.

PRESS QUESTIONS

Norma Martinez with The Rockport Pilot clarified the new name of Highway 1781 as "Loop 1781."

There was no closed session.

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

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

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