

MINUTES OF THE
COMMISSIONERS' COURT

REGULAR MEETING - SEPTEMBER 12, 2011

On the 12th day of September, 2011, 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; Russel Cole, Commissioner, Precinct 4; and Peggy L. Friebele, County Clerk.

Other County Officers present were Richard P. Bianchi, County Attorney; Lezlie Kirk, County Auditor; James Jackson, Environmental Health; Alma Cartwright, County Treasurer; David Vyoral, Road Administrator; David Reid, Drainage Engineer; Diane Dupnik, Justice of the Peace, Precinct 1; Patrick Daly, Retired Justice of the Peace, Precinct 2; Iris Sanchez, County Librarian; and Bill Mills, Sheriff.

The Meeting was convened at 2:00 p.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.

MINUTES

Motion was made by Commissioner Casterline and seconded by Commissioner Smith to approve the minutes of the Public Hearing of August 31, 2011 and Regular Meeting held August 31, 2011.

Question. Motion carried unanimously.

It is so ordered.

PROCLAMATION - SEAFAIR FESTIVAL

Motion was made by Commissioner Smith and seconded by Commissioner Cole to approve Proclamation #P04-2011 in support of the Chamber of Commerce and Bay Blazers in promoting the Annual Seafair Festival and the opening ceremony and official ribbon-cutting to be held Friday, October 7, 2011 at 5:00 p.m.

Question. Motion carried unanimously.

It is so ordered.

(Proclamation inserted)

PROCLAMATION - NATIONAL POW/MIA DAY

Motion was made by Commissioner Chaney and seconded by Commissioner Casterline to approve Proclamation #P05-2011 in observance of September 16, 2011 as "National POW/MIA Day."

Question. Motion carried unanimously.

It is so ordered.

(Proclamation inserted)

Mike Kurtz, Veteran Service Officer, and other retired military

members presented the County a new POW/MIA flag.

GRANT PROGRAM - TEXAS STATE LIBRARY & ARCHIVES COMMISSION

Motion was made by Commissioner Casterline and seconded by Commissioner Smith to approve and authorize County Judge to sign the grant contract with Texas State Library and Archives Commission - Texas Reads Grant Program for a \$3,000.00 grant to help supplement the County Library's young adult collection with books and for advertising "Teen Reads Week" to be held in October, 2011. Question. Motion carried unanimously.

It is so ordered.

(Grant contract inserted)

HOTEL-MOTEL TAX FUNDS - CHAMBER OF COMMERCE

Diane Probst, President/CEO of the Rockport-Fulton Chamber of Commerce, gave a presentation on the proposed use of the requested hotel-motel tax funds.

(Presentation inserted)

Motion was made by Commissioner Casterline and seconded by Commissioner Cole to approve request of Rockport-Fulton Chamber of Commerce for an additional \$50,000.00 in hotel-motel tax funds for advertising.

Question. Motion carried with Commissioner Smith abstaining.

It is so ordered.

HOTEL-MOTEL TAX FUNDS - FULTON MANSION

Motion was made by Commissioner Smith and seconded by Commissioner Chaney to approve request of Fulton Mansion Director for \$20,000.00 in hotel-motel tax funds due to \$70,000.00 State reduction. Question. Motion carried unanimously.

It is so ordered.

NAVIGATION DISTRICT TAX RATE LEVY - 2011

Motion was made by Commissioner Smith and seconded by Commissioner Casterline to approve Aransas County Navigation District (ACND) 2011 effective tax rate levy of \$0.038537 per \$100.00 valuation for maintenance and operation and \$0.017235 per \$100.00 valuation for interest and sinking fund, a total of \$0.055772 per \$100.00 valuation.

Question. Motion carried unanimously.

It is so ordered.

(2012 budget inserted)

ARANSAS PROJECT - DECLARATION

Motion was made by Commissioner Casterline and seconded by Commissioner Chaney to approve declaration of County Judge

Question. Motion carried unanimously.
It is so ordered.

(Declaration inserted)

CONTRACT - AQUARIUM EDUCATION ENTER CONSTRUCTION

Motion was made by Commissioner Chaney and seconded by Commissioner Cole to approve and authorize County Judge to sign the Aquarium Education Center Construction Contract.

Question. Motion carried unanimously.
It is so ordered.

(Contract inserted)

JUSTICE OF THE PEACE - PRECINCT 2

Judge Mills stated he received five (5) applications for the vacant Justice of the Peace, Precinct 2, position. Judge Diane Dupnik, Justice of the Peace, Precinct 1, has been doing both jobs but because of personal issues can no longer do both.

Commissioner Smith recommended Retired Judge James Barkley to fill the position. Smith stated Barkley has offered to fill the unexpired term until the next election. He is not interested in the job permanently. Judge Barkley has filled in both Justice of the Peace at one time or another and would definitely be qualified. Motion was made by Commissioner Smith and seconded by Commissioner Chaney to approve appointment of James Barkley as the new Aransas County Justice of the Peace, Precinct 2, to fill and serve out the unexpired term of Patrick Daly, and accordingly if approved, make the appointment effective immediately.

Motion was made by Commissioner Casterline and seconded by Commissioner Cole to approve appointment of Diane McGinnis as the new Aransas County Justice of the Peace, Precinct 2, to fill and serve out the unexpired term of Patrick Daly, and accordingly if approved, make the appointment effective immediately.

Commissioner Casterline stated Ms. McGinnis has been in this office for twenty (2) years and has been appointed interim Justice of the Peace on numerous occasions.

Judge Mills called for a vote on appointment of Ms. McGinnis. Motion carried with Commissioner Smith voting "no."
It is so ordered.

FAIR HOUSING WORK GROUP

Motion was made by Commissioner Casterline and seconded by Commissioner Smith to approve appointment of a Fair Housing Work Group consisting of five (5) members chosen by the County Judge to represent Aransas County in connection with the \$1 million

city/county drainage grant project in South Rockport.

Question. Motion carried unanimously.

It is so ordered.

(Appointments inserted)

ORDER - HOTEL OCCUPANCY TAX COLLECTION

Motion was made by Commissioner Cole and seconded by Commissioner Smith to approve Order #O-04-2011 continuing the collection of the hotel occupancy tax.

Question. Motion carried unanimously.

It is so ordered.

(Order inserted)

ORDER - OUTDOOR BURNING

Motion was made by Commissioner Casterline and seconded by Commissioner Smith to approve Order #O-05-2011 prohibiting outdoor burning (for ninety (90) days from September 27, 2011).

Question. Motion carried unanimously.

It is so ordered.

(Order inserted)

INTERGOVERNMENTAL COOPERATION AGREEMENT - ARANSAS PATHWAYS

Motion was made by Commissioner Smith and seconded by Commissioner Casterline to table approval of intergovernmental cooperation agreement between Aransas County and the City of Rockport for the Aransas Pathways Project.

Question. Motion carried unanimously.

It is so ordered.

PUBLIC AUCTION - 301 N. MAGNOLIA

Motion was made by Commissioner Smith and seconded by Commissioner Casterline to table approval of designation of County Judge to sell at public auction the property described as Lots 1, 2 and the S 28' of Lot 3, Block 16, Smith and Wood Division, and also known as 301 N. Magnolia, in accordance with Local Government Code Section 263 and execute such documents as necessary to complete the transaction.

Question. Motion carried unanimously.

It is so ordered.

COUNTY CLERK -DIGITAL MICROFILM SCANNER PRINTER

Motion was made by Commissioner Smith and seconded by Commissioner Cole to approve request of County Clerk to purchase new digital microfilm scanner printer and approve line item transfer from

County Clerk Records Management.

Question. Motion carried unanimously.

It is so ordered.

OFFICIAL BOND

Motion was made by Commissioner Chaney and seconded by Commissioner Casterline to approve public official bond Darlene Joy Irwin, Chief Deputy County Treasurer.

Question. Motion carried unanimously.

It is so ordered.

(Bond inserted)

DAILY RATE FOR JURORS

Motion was made by Commissioner Smith and seconded by Commissioner Chaney to approve a juror pay at a rate of \$6.00 for the first day and \$28.00 for subsequent days in accordance with recent Legislative changes made by Senate Bill 1.

Question. Motion carried unanimously.

It is so ordered.

COUNTY TREASURER'S REPORT - AUGUST 2011

Motion was made by Commissioner Smith and seconded by Commissioner Casterline to approve County Treasurer's Report for the month of August 2011.

Question. Motion carried unanimously.

It is so ordered.

(Report inserted)

INDIGENT HEALTH CARE PROGRAM - FY 2011-2012

Judge Mills reported receipt of Report of 6% and 8% GRTL for the Aransas County Indigent Health Care Program FY 2011-2012 to be recorded in the Commissioners' Court Minutes.

(Report inserted)

INDIGENT HEALTH CARE COSTS - AUGUST 2011

Motion was made by Commissioner Smith and seconded by Commissioner Cole to approve indigent health care report for August 2011.

Question. Motion carried unanimously.

It is so ordered.

(Report inserted)

BUDGET LINE ITEM TRANSFERS

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

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 August 2011.

(Report inserted)

REPORTS ABOUT ITEMS OF COMMUNITY INTEREST

None reported.

PRESS QUESTIONS

Norma Martinez with The Rockport Pilot asked how the donated services for the Aquarium Education Center would be handled since the County will not be invoiced. County Attorney Bianchi stated this would be considered a contribution to the County.

Ms. Martinez clarified that the Court approved the second motion on the appointment of the new Justice of the Peace, Precinct 2.

Martinez also questioned agenda item 12 because it did not state it was for venue tax. Mr. Bianchi stated venue tax is under hotel-motel tax and the order itself indicated venue tax.

The Court did not hold 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