

MINUTES OF THE
COMMISSIONERS' COURT

REGULAR MEETING - OCTOBER 27, 2010

On the 27th day of October, 2010, there was a Regular Meeting of the Commissioners' 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; Howard Murph, Commissioner, Precinct 4; and Peggy L. Friebele, County Clerk.

Other County Officers present were Richard P. Bianchi, County Attorney; Dee Oliver, County Treasurer; Lezlie Kirk, County Auditor; Gene Johnson, Airport Manager; Jerry Brundrett, County Surveyor; Pam Heard, District Clerk; Justin Cook, Assistant, IT Director; and James Jackson, Environmental Health.

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:

MINUTES

Motion was made by Commissioner Casterline and seconded by Commissioner Chaney to approve the minutes of the Regular Meeting of October 11, 2010 and Special Meeting of October 19, 2010. Question. Motion carried unanimously.

It is so ordered.

CITIZENS TO BE HEARD

There were none.

REPORT - CEREMONIAL CHECK

Judge Mills reported receipt from the Texas Department of Rural Affairs (TDRA) of ceremonial check of \$500,000.00 presented to Aransas County on October 14, 2010 for securing a Texas Community Development Block grant for the 2010 funding cycle to provide first-time sewer service in the Smith and Wood Division Colonia area on Kossuth and Sabinal Streets of Aransas County.

TAX CODE - H.O.T. FUNDS

Motion was made by Commissioner Smith and seconded by Commissioner Murph to approve forwarding a copy of Tax Code Section 352.015 concerning H.O.T. funds budgeting, reporting and uses to current recipients of said funds.

Question. Motion carried unanimously.

It is so ordered.

(Code inserted)

SHERIFF - CORRECTION OFFICER POSITIONS

Motion was made by Commissioner Chaney and seconded by Commissioner Smith to approve request of Sheriff to replace two (2) vacated

correction officer positions in the Detention Center.

Question. Motion carried unanimously.

It is so ordered.

LEASE - AQUARIUM

Motion was made by Commissioner Murph and seconded by Commissioner Chaney to pass on approval of lease with Aransas County Navigation District for the Aquarium.

Question. Motion passed unanimously.

It is so ordered.

PROCLAMATION - PANCREATIC CANCER AWARENESS MONTH

Motion was made by Commissioner Casterline and seconded by Commissioner Smith to approve Proclamation #P10-05 declaring the month of November 2010 as "Pancreatic Cancer Awareness Month."

Question. Motion passed unanimously.

It is so ordered.

(Proclamation inserted)

RESOLUTION - TAKEBACK RECYCLING PROGRAMS

Motion was made by Commissioner Casterline and seconded by Commissioner Smith to approve Resolution #R10-23 supporting the passage of State legislation requiring producers of televisions and other electronics to participate in producer TakeBack Recycling Programs.

Question. Motion carried unanimously.

It is so ordered.

(Resolution inserted)

RESOLUTION - TAKEBACK RECYCLING OF MERCURY

Motion was made by Commissioner Chaney and seconded by Commissioner Casterline to approve Resolution #R10-24 supporting the passage of State legislation requiring TakeBack recycling of mercury containing products.

Question. Motion carried unanimously.

It is so ordered.

(Resolution inserted)

RESOLUTION - RECYCLING REFUND SYSTEM

Motion was made by Commissioner Casterline and seconded by Commissioner Murph to approve Resolution #R10-25 supporting the passage of State legislation establishing a recycling refund system for beverage containers.

Question. Motion carried unanimously.

It is so ordered.

(Resolution inserted)

LEASE CONTRACT AMENDMENT

Motion was made by Commissioner Murph and seconded by Commissioner Chaney to approve request of Coastal Plains Community MHMR Center for extension of their lease #L2000-01 with Aransas County and to authorize County Judge to sign the lease contact amendment.

Question. Motion carried unanimously.

It is so ordered.

(Amendment inserted)

INTERGOVERNMENTAL COOPERATION AGREEMENTS

Motion was made by Commissioner Chaney and seconded by Commissioner Casterline to approve and authorize County Judge to sign 2011 intergovernmental cooperation agreements between Aransas County and the City of Aransas Pass for roads; Aransas County Independent School District for roads/parking lots; and Aransas County Navigation District for roads/parking lots/drainage and gasoline usage.

Question. Motion carried unanimously.

It is so ordered.

(Agreements inserted)

INTERLOCAL COOPERATION AGREEMENTS

Motion was made by Commissioner Smith and seconded by Commissioner Chaney to approve and authorize County Judge to sign 2011 interlocal cooperation agreements between Aransas County and Aransas County Council on Aging for gasoline usage; Rockport Volunteer Fire Department for gasoline usage; and Texas Settlement Trails, Inc, Rockport Art Association, Inc., and Texas Maritime Museum Association, Inc. for hotel-motel tax.

Question. Motion carried unanimously.

It is so ordered.

(Agreements inserted)

INTERGOVERNMENTAL COOPERATION AGREEMENTS

Motion was made by Commissioner Chaney and seconded by Commissioner Smith to approve and authorize County Judge to sign the 2011 intergovernmental cooperation agreement between Aransas County and City of Rockport, Town of Fulton, and Aransas County Independent School District for Juvenile Case Manager.

Question. Motion carried unanimously.

It is so ordered.

(Agreement inserted)

INSURANCE - WRECKED PATROL CAR

Motion was made by Commissioner Smith and seconded by Commissioner Casterline to approve request of Sheriff to use up to \$5,000.00 from insurance settlement money received from Texas Association of Counties (TAC) on wrecked patrol car for the replacement of an engine in the vehicle of the Warrant Officer.

Question. Motion carried unanimously.

It is so ordered.

CPT END USER AGREEMENT

Motion was made by Commissioner Casterline and seconded by Commissioner Smith to approve CPT end user agreement between CAD Computing and Aransas County required by the American Medical Association (AMA).

Question. Motion carried unanimously.

It is so ordered.

(Agreement inserted)

TYLER TECHNOLOGIES SOFTWARE

Judge Mills stated Commissioner Chaney looked into other communities that have switched to Tyler and there have been very few complaints. If the County does this, there will be some "kinks" in changing; but for integration, to save money and mainly, in the event of loss due to storm, the County could be up and running as soon as we had Internet connectivity.

Motion was made by Commissioner Chaney to approve Tyler Technologies Software as a service and professional services agreement with Aransas County; County Attorney Bianchi interjected there are four (4) points about the contract which are understood, but are not listed in the contract. The dates are wrong, the term is to start when the agreement is executed; the price will be based upon actual users; termination clause; and payment of the last year in advance.

Commissioner Casterline asked if usage would be mandatory for all departments. Commissioner Chaney said, based on previous action excluding the Road and Bridge Department, he would say "yes."

Commissioner Smith pointed out not all departments will be switched at one time; the process may not be completed until the middle of the next year. Adding that he hopes each department will see the benefit of the new system. He also pointed out that all departments will be able to tie into Bianchi's office which is already utilizing the Tyler Technologies system. They will start with the Sheriff's Department. It takes personnel time to transcribe information to all the different systems. Dawson Tyler stated they would begin in the Sheriff's Department and from there to the County Attorney's Office, civil next. The Sheriff's

Department will be the terminal tie-in for all the systems. Mr. Tyler then went over the process that was started 4 to 4-1/2 years ago and was initiated by the IT Director at that time. They have given numerous presentations over this time period with the latest a couple of weeks ago. That presentation was to the Sheriff's Department and Police Department. They use Microsoft Word for the forms that are merged. The system includes forms, mapping, etc. The system also comes with public access.

District Clerk Heard stated she felt the Court was overstepping their bounds. She said as an elected official she should be able to select the software she prefers. She also stated that she did not allow her records to be on the Internet. If the County purchased the system, they would still have to fund her office with the software she prefers and that is working for her.

County Attorney Bianchi did not think the Court was overstepping their bounds. The Court has the responsibility to provide the materials needed by each Department but he thinks the Court is providing a system that will meet their needs.

Ms. Heard stated no District Clerk's have their Court records on the Internet.

County Clerk Friebele stated she has been wondering for 4-1/2 years why the Court, IT Department and Tyler Technologies thinks they know better what she needs after being here 17 years; adding, not one of the Court members has come into her office to see what is being done. It is not going to completely cut the maintenance fees; she has Laserfiche, Microfiche equipment, Official Public Records, and Vital Statistics. Friebele asked if this system does anything that we cannot currently do - no; then "if it ain't broke - then why fix it." Commissioner Smith interjected "efficiency." Friebele then read an email from San Patricio County Clerk about their experience with Tyler. After reading the email, she stated there will be still maintenance fees for other systems in her office. Commissioner Smith asked Friebele if, like Ms. Heard, she was not going to use the system and she replied she did not want to. She also told the Court that she spoke with several persons from the Police Department and they did not want to change. Every time you change systems, you lose data. Friebele told the Court that Mr. Tyler told her the system would not talk with Encode.

Commissioner Chaney stated he did not think any other companies had made presentations but Friebele disagreed - eDoc did make a presentation. Friebele asked Chaney if he ever got the list he requested from Tyler at the first presentation - he did not. Commissioner Murph asked Ms. Heard and her to tell him what they thought and they did. The County Attorney, County Judge, and County Court at Law Judge all have access to her system now.

Commissioner Smith stated he had talked to other counties, including Victoria County, and they like the system. Tyler has about 47 Counties on their program. Twenty are on the old system. Mr. Tyler also stated there are District Clerk's with their system online. Friebele asked the Court if they think her office is not being run inefficiently since they are saying that is the reason for getting this program. Friebele asked the Court to consider putting off this decision until San Patricio County has their system running. She also wished the Court would spend the money on computer equipment that needs to be replaced. Ms. Heard told the Court this system is a major departure from what we originally looked at and the County will just be paying for service.

Commissioner Casterline asked to hear from the Justices of the Peace Department and the Sheriff's Department. \$125.00 per user per month and Sheriff and Jail one-half of that maybe \$88.00; Friebele stated \$88.00 is not half of \$125.00. There is no maintenance fee - just user fee.

Diane McGinnis stated they will be paying for something they are currently getting free and they are happy with their system.

Justice of the Peace Dupnik stated she had not been in office long enough to give a true opinion. Her only problem is getting Hill Country to take care of things on a more timely basis.

Commissioner Casterline asked if there was any reason this could not be approved over a period of time adding the offices one at a time. He gets the impression it is all or nothing. Mr. Tyler stated the workers will not come in one morning and not have Hill Country or eDoc. Each office will be tied in one at a time. Each of the packages is to get the County off paper and allow each Department to pull information up electronically. A discussion followed on the warrant procedures currently in place and how Tyler feels their system will allow warrants to be accessed quicker. Commissioner Chaney stated he had checked with Constable Thomas on problems with serving warrants when the information changed after the initial preparation. Linda Garcia asked why the County has so many system and if the Court is planning to integrate all of them. Pam Heard stated there is no "one size fits all."

Commissioner Smith expressed concern that both Ms. Friebele and Ms. Heard say they are not going to use the new system.

Ms. Heard also asked if the City of Rockport would be paying their share like they are doing with PTS. Judge Mills answered "yes."

Motion was made by Commissioner Chaney and seconded by Commissioner Smith to approve Tyler Technologies Software as a service and professional services agreement with Aransas County. Commissioner Casterline stated he could not vote for this system because too many departments do not want to do this.

Question. Motion carried with Commissioner Casterline voting "no."
It is so ordered.

(Agreement inserted)

COASTAL MANAGEMENT PROGRAM (CMP) GRANT AGREEMENT

Motion was made by Commissioner Smith and seconded by Commissioner Casterline to table approval of Coastal Management Program (CMP) grant agreement for funds to purchase a 9.893 acre tract at 1001 Henderson Street.

Question. Motion carried unanimously.

It is so ordered.

MEDICAL INSURANCE RENEWAL RATES

Motion was made by Commissioner Casterline and seconded by Commissioner Chaney to approve the 2011 renewal rates for medical insurance and employee benefits with Texas Association of Counties (TAC) Health and Employee Benefits Pool and authorize County Judge to sign (1) 2011 renewal notice and benefit confirmation, (2) member contact designation (Aransas County), and (3) 2011 renewal credit confirmation - Aransas County Group #10630.

Question. Motion carried unanimously.

It is so ordered.

TCDRS PLAN

Motion was made by Commissioner Chaney and seconded by Commissioner Casterline to approve Aransas County #103 authorization to maintain TCDRS plan provisions plan year 2011 with the required employer contribution rate of 7.67% as per 2011 budget approval August 25, 2011, and authorize County Judge to sign the same.

Question. Motion carried unanimously.

It is so ordered.

(Plan inserted)

AMENDED SECTION 125 CAFETERIA PLAN 2011

Motion was made by Commissioner Murph and seconded by Commissioner Casterline to approve and authorize County Judge to sign amended Section 125 Cafeteria Plan Adoption Agreement 2011.

Question. Motion carried unanimously.

It is so ordered.

(Plan inserted)

RESOLUTION - SECTION 125 CAFETERIA PLAN 2011

Motion was made by Commissioner Casterline and seconded by Commissioner Chaney to approve and authorize County Judge to sign Section 125 Cafeteria Plan 2011 certificate of Resolution #R10-22.

Question. Motion carried unanimously.
It is so ordered.

(Resolution inserted)

CPL RETAIL ENERGY AGREEMENT

Motion was made by Commissioner Casterline and seconded by Commissioner Smith to approve and authorize County Treasurer and Assistance Department Director, Dee Oliver, to sign CPL Retail Energy agreement energy assistance program agreement.

Question. Motion carried unanimously.
It is so ordered.

(Agreement inserted)

PUBLIC OFFICIAL BOND

Motion was made by Commissioner Smith and seconded by Commissioner Murph to approve public official bond continuation certificates on Melinda Morgan Hill, Sanitarian/Environmental Health, and Russell F. Buck, Custodian.

Question. Motion carried unanimously.
It is so ordered.

(Bonds Inserted)

CERTIFICATE OF PROFICIENCY - PITNEY BOWES

Judge Mills presented for recording in the Commissioners' Court Minutes a certificate of proficiency from Pitney Bowes for Shannon Heuerman, Administrative Secretary.

(Certificate inserted)

BUDGET LINE ITEM TRANSFERS

Motion was made by Commissioner Casterline and seconded by Commissioner Chaney to approve budget line item transfers presented by County Auditor Kirk.

Question. Motion carried unanimously.
It is so ordered.

(Transfers inserted)

ACCOUNTS PAYABLE

Motion was made by Commissioner Smith and seconded by Commissioner Casterline to approve accounts payable including two (2) bills from Naismith Engineering for the AgriLife Building (\$4,172.75 and \$29,050.85) which are coming out of the 2009 Certificates of Obligation.

Question. Motion carried unanimously.
It is so ordered.

The Court entered into closed session at 10:39 a. m. as authorized by Texas Government Code Section 551.072 to discuss acquisition of property for the new County Courthouse Project and the 9.893 acre tract at 1001 Henderson Street; and resumed Open Meeting at 11:09 a.m. with all members present, and further proceedings were had and done to wit:

NEW COURTHOUSE PROJECT/ HENDERSON STREET PROPERTY

Motion was made by Commissioner Smith and seconded by Commissioner Murph to approve contract as amended for acquisition of property for the new Aransas County Courthouse Project and the 9.893 acre tract at 1001 Henderson Street.

Question. Motion carried unanimously.

It is so ordered.

(Contract inserted)

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