

**CALLED MEETING OF THE  
BREWSTER COUNTY COMMISSIONERS COURT  
MONDAY, JANUARY 31, 2011, AT 9:00 A.M.**

*Judge Beard called this meeting to order. Officers present are listed as follows:*

<b>VAL CLARK BEARD</b>	<b>COUNTY JUDGE</b>
<b>ASA "COOKIE" STONE</b>	<b>COMMISSIONER PCT. 1</b>
<b>KATHY KILLINGSWORTH</b>	<b>COMMISSIONER PCT. 2</b>
<b>RUBEN ORTEGA</b>	<b>COMMISSIONER PCT. 3</b>
<b>MATILDE PALLANEZ</b>	<b>COMMISSIONER PCT. 4</b>
<b>JERRY SOTELLO</b>	<b>J.P., PRECINCT 1</b>
<b>BERTA RIOS MARTINEZ</b>	<b>COUNTY CLERK</b>
<b>CAROL OFENSTEIN</b>	<b>COUNTY TREASURER</b>

***To discuss and take action as appropriate on the following:***

***1. Minutes / additions / corrections / approval***

*The minutes from the January 10, 2011, meeting were presented for approval.*

*Commissioner made a motion to approve the minutes, which was seconded by Commissioner Stone, and passed unanimously.*

***2. Treasurer***

***A. General Bills / Discussion and appropriate action***

*Treasurer Ofenstein noted that the communication grant came in, and the annual insurance premium and quarterly payments were made.*

*Commissioner Ortega made a motion to approve the general bills, which was seconded by Commissioner Stone, and passed unanimously.*

*Commissioner Killingsworth abstained from 69704.*

***B. Infrastructure Projects Bills / Discussion and appropriate action***

***C. Procurement procedures for acquiring equipment through Homeland Security Grants / Review and Affirm Procedures***

*Judge Beard said she and EMC Tom Santry have been visiting with the COG and discussing the option of bringing Homeland Security grant procurements through Commissioners Court.*

*It is not required, but would help applicants understand the process and keep the public informed.*

*Judge Beard and Mr. Santry will work together with the Treasurer's Office to develop a plan.*

***D. Upcoming Workshop for County Department Heads with TAC  
Personnel Specialist focusing on employee time accounting and related  
issues / Announce***

*Treasurer Ofenstein said TAC will be here March 30, and surrounding counties will be invited. She would like all the department heads to attend. The training will involve FLSA, and will help with understanding time sheets, etc.*

***E. Other administrative matters related to Treasurer's Office / Discussion  
and appropriate action for work of Treasurer's office to go forward***

***3. Officials' Monthly Reports / Discussion and appropriate action***

*Commissioner Stone read the report for the record.*

*Commissioner Ortega made a motion to approve the report, which was seconded by Commissioner Pallanez, and passed unanimously.*

***4. Recognitions***

***A. Presentation of Painting of Brewster County Courthouse from family of  
RL "Bob" McLaughlin and Mona McLaughlin***

*Judge Beard said the painting was done by Marian Wise Kennedy. She said the family has asked only that if ceases to be displayed, it will be returned to the family.*

*Members of the family were photographed with the painting.*

*Commissioner Ortega made a motion to accept the painting with the terms presented, which was seconded by Commissioner Stone, and passed unanimously.*

***B. Discussion and appropriate action to accept and display painting***

***5. Road & Bridge Department / Community Facilities***

***A. Road & Bridge Superintendent's Report***

***General updates on maintenance and repairs for all county roads;  
road materials including, fuel, supplies including usage & inventories  
& future needs; equipment including heavy equipment, (maintenance  
repairs, future needs, replacement and additions), pickups, trailers  
and other light vehicles and accessories, and small equipment, (usage,***

*future needs), equipment rentals; facilities (yards in Alpine, Marathon and S. County) and community facilities (assistance with maintenance and other related issues); assistance to other governmental entities and emergency responders; personnel issues, (vacancies, new hires, performance and safety); permits for boring or trenching for utilities across County Roads*

*Supt. Frenchie Causey said the helipad was completed on Jan. 25. They began sheetrocking the library on Jan. 26. He said they are still cleaning out water drains on Terlingua Ranch Road. They set up the tire changing center in the shop, and have done one oil change for the Sheriff's Office.*

*The gas company has applied for a permit to trench the road between the fire station and Alpine Christian School in order to fix a leak.*

***B. TxDot Border Colonia Access Paving Grant / General Update / Discussion and appropriate action to go forward with project***

*Mr. Roberts said a work order has been issued on the Marathon project; they are still waiting for the water line easement in South County.*

***C. Program to perform routine maintenance on Sheriff's Office vehicles / Update / Discussion and appropriate action***

*Mr. Causey said he has the tools in place and they are ready to go. Maintenance will only be done on Fridays, and they will keep close track of the hour spent.*

***D. Community Facilities / Commissioner Precinct 3, Marathon Community Center Fundraiser on February 12<sup>th</sup> / Announce***

*Commissioner Ortega is having a fish fry Feb. 12 at 6 p.m. Justin Trevino will provide music.*

***E. Discussion and appropriate action for general work of Road & Bridge Department to go forward***

***6. Emergency Management Department***

***A. General Report including:***

***Recent emergency responses; emergency planning update; recent work with cooperating emergency responders: (ESD #1, all VFD's and EMS); update on needs, programs, training, recent work with other governmental entities; equipment for emergency response and updates***

***regarding needs, maintenance, repairs, replacement and additions; emergency management issues related to public and private insurance coverage, personnel issues related to emergency response, matters related to pending & future Homeland Security Grants / Discussion and appropriate action***

*EMC Tom Santry said the ISO will be here Feb. 8 for the inspection. They will be at the City Water Department, followed by the Fire Department. On Feb. 10, Mr. Santry is going to attend a FEMA earthquake workshop.*

***B. Request to Extend Burn Ban / Discussion and appropriate action***

*The 90-day burn ban will expire Feb. 13.*

*Commissioner Stone made a motion to extend the burn ban, which was seconded by Commissioner Ortega and passed unanimously.*

***C. Communications Equipment for Brisbin Emergency Operations Center***

***1. Update***

***2. Discussion and appropriate action to go forward with installation of equipment (radio console previously in jail) & acquisition of any additional equipment necessary to complete installation of radio system***

*The console is going to be taken to El Paso for an inspection, after which it will be brought back and installed. Seven antennas will also be installed. They will be purchased with Homeland Security funds. Judge Beard and Commissioner Stone stated that no roof penetrations should be made to install the antennas.*

*Commissioner Killingsworth made a motion to approve the purchase of equipment for the EOC, which was seconded by Commissioner Ortega, and passed unanimously.*

***D. Discussion and appropriate action for general work of Emergency Management Department to go forward***

***7. IT Department Report and Update***

***A. Commissioner Pct. II, IT Committee Chair / Update on Off Site Storage of County Electronic data / Discussion and appropriate action***

*IT Director Leo Ofenstein said the off-site back-up is in place and is being updated nightly. He believes they will have a month's worth of data next week. They will then test it to make sure the data can be restored.*

***B. Infrastructure Projects / Installation & Wiring for Computers / Networking and related issues / Update / Discussion and appropriate action***

*Mr. Ofenstein said they would like to move the modem into the closet with the rest of the network in the South County ERC. It won't take much time. In Marathon, the J.P.'s office phone line is still not working. He is trying to find someone to come and look at it and get it fixed.*

***C. Networking / Jail and Law Enforcement Update / Discussion and appropriate action***

*Mr. Ofenstein said DPS ticket automation has been activated. Hill Country Software has now been installed for J.P. #2 and #3. They are still working on the Hill Country installation at the jail.*

***D. County Road Map Update Project / Update on Digitizing County Road Map / Discussion and appropriate action***

*Mr. Ofenstein said the map book has been given to Commissioners for review. Various maps have also been made for various departments.*

***E. Update on development of schedule for replacement of County owned hardware / Discussion and appropriate action***

*Mr. Ofenstein said they are continuing to work on a schedule, with the assistance of the Treasurer's Office.*

***F. Discussion and appropriate action for general work of I.T. Department to go forward***

***8. Sheriff's Office and County Jail***

***A. Request to transfer Sheriff's Office Ford Explorer to City of Alpine / Discussion and appropriate action***

*Commissioner Killingsworth made a motion to approve the request, which was seconded by Commissioner Ortega, and passed unanimously.*

***B. Request to utilize 2008 Stonegarden Grant Funds to purchase Cop Synch Hardware and Software for Alpine Police Department (estimated cost of \$60,000) / Discussion and appropriate action***

*Sheriff Dodson said the City Police need to be integrated with the City Court so the cost will probably be higher than \$60,000. The cost, however, would be covered by the grant.*

*Judge Beard said she wants the purchase to be square with grant procedures. Commissioners agreed that the City needs to be made aware that only the first year of service is being paid for.*

*Commissioner Ortega made a motion for preliminary approval and support, which was seconded by Commissioner Killingsworth, and passed unanimously.*

***C. Request to transfer Sheriff's Office 2008 Ford Pickup to Precinct 2 Constable / Discussion and appropriate action***

*Commissioner Killingsworth made a motion to approve the request, which was seconded by Commissioner Ortega, and passed unanimously.*

***D. Request to schedule gigantic sale event for April 1, 2011, to dispose of seized vehicles, asset forfeiture vehicles, abandoned vehicles, high mileage & old county owned Sheriff's Department vehicles & related Sheriff's Office surplus items / Discussion and appropriate action***

*Sheriff Dodson said he's going to ask the City to join, and Jeff Davis County is interested.*

*Commissioner Ortega made a motion to approve the request for the sale, which was seconded by Commissioner Stone, and passed unanimously.*

***E. Matters related to Brewster County Jail***

***1. General Update on Jail Operations & Population***

*Judge Beard said there have been additional duties at the jail because it's the only one in the region right now.*

*The State has mandated that 15 percent of the bed space be kept open for emergencies. As far as County inmates go, the jail is busting at the seams, said Sheriff Dodson.*

*Presidio County is keeping up with their payments for housing.*

***2. Requested increase in per diem rate for Federal prisoners***

***a. Update on Status of Request***

*Sheriff Dodson said they are going to get an \$18 increase per head, from \$41 to \$59 per prisoner.*

*The Federal government would also like to begin paying a flat rate of \$15/hour for guarding federal prisoners at the hospital, and transporting, and will*

also give the County more control over federal prisoner transports, if the County acquires a transport vehicle.

***b. Discussion and appropriate action***

***3. Judge & Sheriff / Request to establish dedicated maintenance fund for jail, to be funded from a percentage of increase in per diem rate for federal prisoners***

*Commissioner Killingsworth made a motion to use \$9 of the \$18 increase for a dedicated maintenance fund for the jail, and the other \$9 for the general fund, which would help to fund the Sheriff's requested increase for a supervisory dispatcher. Commissioner Ortega seconded the motion, which passed unanimously.*

*The issue of how to pay for a transport vehicle will be decided later.*

***4. Matters related to Jail Staffing***

***a. Consider need for increase in number of jailers & need for supervisory dispatcher***

*Sheriff Dodson said he would like to use \$38,250 from the per diem increase for a supervisory dispatcher.*

*Commissioner Killingsworth asked if the person would be a certified jailer. Sheriff Dodson said he would be, and that would then help to cover schedules.*

*Commissioner Killingsworth made a motion to authorize the Sheriff to add a position for a supervisory dispatcher at the jail for \$13/hour, full-time, with total benefits, totaling \$38,250. Commissioner Ortega seconded the motion, which passed unanimously.*

***1. Background and information concerning current jail staffing***

***2. Discussion and appropriate action concerning increasing Jail staff***

***5. Request to acquire Transport Vehicle for Jail***

***a. Discussion concerning need for transport vehicle and possible financial benefits of having the capability to transport prisoners***

*Sheriff Dodson said the vehicle would cost \$28,500. There was lengthy discussion concerning why the vehicle was needed.*

***b. Possible funding sources to acquire transport vehicle***

*The Sheriff said that he could begin transporting with an already-owned vehicle, and defer purchase of a new vehicle for several months.*

*Treasurer Ofenstein said the County's general fund or the Sheriff's awarded account are the two possible funding sources at this time.*

***c. Discussion and appropriate action***

***9. Pending Community/ Public Safety Infrastructure Projects / Discussion and appropriate action to go forward with all projects, including:***

***Major Projects (Now Complete)***

***South County Emergency Response Center (Housing for Terlingua Medics, Terlingua VFD, Deputy, J.P. & related support space)  
Alpine/N. Brewster County Area Emergency Response Center  
(Fire Station for Alpine VFD & Brewster County Emergency  
Operations Center), Brewster County Jail Update***

***Marathon Law Enforcement Facility (Housing for Deputy, J.P. Pct.  
3 & training room), Brewster County Jail Renovation***

***Construction assistance for Alpine Public Library, a non profit  
corporation (Ongoing)***

***Smaller Projects:***

***Vehicle & Equipment Storage Building (shed design) for South  
Brewster County on 23221 FM 170, near Terlingua & Study Butte,  
covered porches for Marathon Community Center, Multipurpose  
slab for Pattillo Community Center & Terlingua Fire & Medics***

***A. Project Updates, including Judge's comments re concluding projects***

***1. Final "Wrap Up" for Marathon Justice Center, AVFD Fire  
Station and South County Emergency Response Center /  
Discussion and appropriate action to conclude projects and  
transition to maintenance and operations***

*Most of these things have been discussed in previous agenda  
items.*

***2. Alpine Public Library Project / Construction for Alpine Public  
Library, a non profit organization / Update***

- a. General Update*
- b. Update on drywall & related issues / Discussion and appropriate action to go forward with drywall*

*Judge Beard said things are going well and the drywalling is underway.*

**3. Multipurpose concrete pad at Pattillo Community Center**

- a. Update*
- b. Discussion and appropriate action to conclude with project*

**4. Porches for Marathon Community Center**

- a. Update*
- b. Discussion and appropriate action to go forward with project*

**5. Parking Shed for South County Yard / Discussion and appropriate action to begin project with focus on using materials on hand**

*Commissioner Ortega said he may have some material left over from the Marathon slab which can be use in South County.*

**B. General Discussion concerning remaining public dedication event for Alpine Fire Station / Discussion and appropriate action**

*Judge Beard said a community walk-through was held last year, and the dedication will probably be put off a while, and could be held in conjunction with a fundraiser for AVFD.*

**10. Pending Infrastructure Grant Matters**

**A. Colonia Construction Fund Application / (2<sup>nd</sup> Septic Tank Replacement Grant Application for S. Brewster County)**

**1. Update on Project & Application Process**

*Commissioner Killingsworth said Mr. Hays has moved some equipment into South County.*

**2. Approval of Additional Applicants for Program / Discussion and appropriate action**

*Commissioner Killingsworth said she expects another 12 or 13 applicants at the next meeting.*

***3. General and administrative matters related to going forward with program including approval of additional applicants, bids & proposals & other matters / Discussion and appropriate action to go forward with grant project***

***B. 2009/2010 Texas Department of Rural Affairs Community Grant Program (Study Butte Water Tank Project)***

***1. Update on Project***

*Mr. Roberts said the contractor and sub-contractor have put the steel in place for the tank. He would like 10 days between the pour and drilling bolt holes in the concrete. He thinks they'll wrap up by about March 17.*

***2. Discussion and appropriate action to go forward with grant program***

***C. Upcoming 2011 / 2012 Texas Department of Rural Affairs Grant Program / Discussion and appropriate action to go forward with grant application***

*There was nothing new to report.*

***D. State Comptroller's Energy Efficiency Grant (Energy Efficient upgrade of Annex HVAC System)***

***1. Update by Conrad Arriola, Project Coordinator***

*Mr. Arriola said he had nothing to report.*

***2. Discussion and appropriate action to go forward with program***

***11. House Bill No. 106 / Relating to consolidation of, or detachment and annexation of territory in, certain school districts by State Representative Fred Brown / Discussion concerning likely negative impact on Brewster County's rural school children, taxpayers and general difficulties with "one size fits all" legislation / Discussion and appropriate action***

*Commissioner Killingsworth said, under this bill, all school district would be consolidated into one in each County in the State. Many years ago, this is how things were set up. Then, school districts became independent. The Terlingua CSD*

*is opposed to this bill. The distance the students would have to travel does not make for equal access to education. Communities want to keep their schools local.*

*There would not be a lot of cost savings in Brewster County, or West Texas, said Commissioner Killingsworth.*

*Creating one district per County is not the true answer for efficiency, and does not keep students in mind.*

*Commissioner Ortega made a motion to send a letter explaining the Court's position, which was seconded by Commissioner Stone, and passed unanimously.*

## **12. Brewster County Groundwater Conservation District**

### ***A. Update & recent activities / Presentation by representative of Brewster County Groundwater Conservation District***

*Chachi Hawkins started with some history of the situation the GWCD is dealing with right now. Twenty years ago, Tom Craddick introduced legislation from which he meant to exempt only the City of Midland from regulation by GWCDs. In effect, it exempted about 25 cities, including the City of Alpine. They have spent the last couple of sessions trying to amend the legislation. For a variety of reasons, the Legislation did not come to pass.*

*This session, members of the GWCD board, along with Manager Conrad Arriola, have been working with the City Council to make sure everybody understands the Legislation and that their questions are answered.*

*A workshop session with the City Council was held last week and was productive. It appears that the City Council has agreed at this point, in principle, to support the filing of Legislation. No formal action has been taken yet. Tomorrow night's council meeting includes action to begin providing the GWCD with its water data.*

*If the Legislation gets introduced, there will be some things which need "ironing out." The City would like representation on the board; the board is open to that.*

*Ms. Hawkins thanked Commissioners for the County's financial support, which is important for legal matters associated with the GWCD's party status in the Fort Stockton Holdings' water issue.*

*Ms. Hawkins said the GWCD board has issued a resolution in favor of Legislation introduced by Troy Fraser, which adds the words "in place" to the rule of capture. This is in support of the property rights of surface owners.*

*Commissioner Ortega made a motion to support the introduction of legislation to correct §36.121 of the Water Code, which was seconded by Commissioner Killingsworth, and passed unanimously.*

### ***B. Request for disbursement of County Budgeted funds for 2011 / Discussion and appropriate action***

*Commissioner Stone made a motion to approve the request, which was seconded by Commissioner Ortega, and passed unanimously.*

***C. Request for Commissioners Court endorsement of filing legislation to correct §36.121, Water Code, VTCA, currently affecting the District / Limitation on Rulemaking Power of Districts over Wells in Certain Counties (Midland Exemption) / Discussion and appropriate action***

***13. Judge's & Commissioners' comments concerning need to avoid creation of additional ad valorem taxing entities in Brewster County***

*Judge Beard said the last thing needed in Brewster County at this point is another taxing entity. Commissioner Killingsworth noted that all areas are represented on the GWCD. Judge Beard said that citizens should keep in mind that an elected board equates with a taxing entity.*

***14. Proposed Lajitas Municipal Utility District & Proposed Bill to create that MUD***

***A. Presentation by Ron Holmes, Holmes Firm PC, on behalf of Lajitas Capital Partners / Question & Answers with Commissioners Court and County Tourism Board***

*Judge Bead said she believes the proposal is along the lines of what was proposed during the last Legislative session.*

*Lajitas representatives were present to answer questions and explain the process.*

*Ron Holmes is representing Lajitas Capital Partners. Mr. Holmes apologized to Commissioners because he misunderstood and thought the Commissioners were favorable towards the legislation. He introduced several people who were present and favorable of the MUD legislation.*

*Mr. Holmes explained what a utility district is. He said they have been around in Texas since 1904. There are 1,104 in the State.*

*A MUD is a taxing entity, and funding is used for infrastructure and to provide municipal services where none exist.*

*The MUD has the ability to issue bonds. It cannot be run by Lajitas Capital Partners. The legislation includes appointing a five-member board. A general election would follow.*

*There are other taxes which can be levied by a MUD, although Mr. Holmes said they wouldn't generate much. He said many of them, such as sales tax and hotel tax, are already maxed out.*

*Mr. Holmes said if the Legislation succeeds, the County may be able to lower its ad valorem tax rate.*

*Judge Beard reiterated that all the property encompassed in the District is owned by Lajitas Capital Partners.*

*Judge Beard asked why the Partners asked to go the Legislative route rather than the traditional route through TCEQ.*

*Mr. Freeman said because the Legislature is in session, it's a little faster. He said they are seeking some additional powers, such as sales tax and economic development.*

*Judge Beard said she has some issues with the wording in the bill. She said protecting the tax base is paramount. She asked that the language in the bill be reviewed and language added to make sure the tax base is protected.*

*The process of issuing bonds, once the District can afford it, is highly regulated by both TCEQ and the AG.*

*Commissioner Killingsworth asked how one qualifies to be a director for the District. Mr. Freeman said they must be a resident of Texas, among other things.*

*Commissioner Killingsworth and Mr. Holmes discussed the possibility of the MUD boosting RGEC power.*

*Commissioner Killingsworth noted that the MUD would have the power to divide into several Districts. She asked why they would do that.*

*Mr. Freeman said it would be to divide into smaller pieces run by landowners. That way the developer can focus on developing other sections of land.*

*Judge Beard suggested that discussions between Lajitas and the Brewster County GWCD begin immediately.*

*Commissioner Killingsworth said she interpreted part of the language to give the largest landowner the largest vote.*

*Mr. Holmes and Mr. Freeman said that is incorrect and will work on that language.*

*Commissioner Killingsworth asked if the District would enter into a contract with the County to collect the tax. Mr. Freeman said they would.*

*Greg Henington said it is clear that the intent is ad valorem taxes. He asked if the District would be willing to close the loops on sales and tourism taxes so that they wouldn't be in competition with the ESD and Tourism Board.*

*Mr. Holmes said they wouldn't have a problem doing that, and that they are here to help. Mr. Freeman said that is some of the language that they will review with Commissioners.*

*Barbara Trammell suggested more communication with the local population.*

*Susan Carlson asked what happens to the MUD if Lajitas fails.*

*Mr. Holmes said if the MUD is up and running, houses have been sold and bonds have been issued, sufficient to support the infrastructure. If Lajitas fails without the District, he said, landowners have nowhere to go.*

*Mr. Freeman said that, generally, if the developer goes bankrupt, the MUD doesn't.*

*Dana Maloney said she would like to see the boundaries for the District.*

*Tom Williams said they should have had a map here. He said he thinks that, after the District speaks with the County's counsel, many of the issues will be cleared up.*

*He asked Judge Beard if future meetings will include additional information. Judge Beard said of course they would. Commissioners Court works through things slowly and deliberately, and as long as they are willing to work with the County, the County will work with them.*

*Carolyn Small asked how many people it takes to support a District.*

*Mr. Freeman said it generally takes between 400 and 1,000 homes.*

*Chachi Hawkins said she is with the Brewster County GWCD. She said there is a paragraph in the Texas Water Code exempting certain political subdivisions and municipalities in certain population situations. She said if that exemption includes the wells in Lajitas, the GWCD would not be in favor of the MUD.*

*If it is not their intent to be exempt, Ms. Hawkins asked that it be included in the Legislation. Mr. Holmes said to consider it done.*

*John Waters from the Big Bend Gazette asked if there is a ballpark amount for what the bond issue may be. Mr. Holmes said no.*

*Judge Beard asked Mr. Holmes and Mr. Freeman to contact Greg Hudson, the County's attorney in Austin. She also asked everyone to be cognizant of Legislative deadlines.*

***B. Notice of intent to introduce that proposed legislation / Discussion and appropriate action***

***15. Corrective, Delayed Plat Application related to 163 Rossi Road, W. Highway 90, (West of Alpine City Limits)***

***A. Presentation by Travis Roberts, Surveyor, on behalf of Property Owner, Florence Cox and Discussion with County Attorney***

*Steve Houston said Ms. Cox divided some property and sold it in 2009. She did not know that she was supposed to come before Commissioners Court before subdividing. Last July, she got a notice for the AG saying that she had violated EDAP subdivision laws.*

*The AG normally sues the landowner. Mr. Houston talked with AG's office, and their primary goal is to get a corrected plat filed. Travis Roberts went out and surveyed the lots and now has a plat ready for file.*

*Mr. Roberts reviewed the plat with Commissioners.*

***B. Discussion and appropriate action***

*Commissioner Stone made a motion to approve the plat, which was seconded by Commissioner Killingsworth, and passed unanimously.*

**16. Cause NO. 2010-04-B8988-CV, Pascual Q. Olibas, Individually and d/b/a Freedom Bail Bonds, Plaintiff vs. Ronny Dodson, as Sheriff of Brewster County, Texas, Defendant, In The District Court of Brewster County, Texas 394<sup>th</sup> Judicial District**

**A. Executive Session Pursuant to Section § 551.071, Government Code, VTCA, Pending Litigation and Consultation on a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this Chapter (Privileged Matters)**

*At 1:30 p.m., Judge Beard announced that Commissioners Court was going into Executive Session pursuant to Section §551.071, Government Code, to discuss pending litigation concerning Cause NO. 2010-04-B8988-CV, Pascual Q. Olibas, Individually and d/b/a Freedom Bail Bonds, Plaintiff vs. Ronny Dodson, as Sheriff of Brewster County, Texas, Defendant, In The District Court of Brewster County, Texas 394<sup>th</sup> Judicial District. The courtroom was cleared of all but Commissioners Court and the County Attorney.*

**Reconvene in Open Session**

**B. Discussion and appropriate action resulting from Executive Session**

*At 1:37 p.m., the Commissioners Court reconvened in open session. Judge Beard said that the Court had been in Executive Session pursuant to Section §551.071 of the Government Code. Judge Beard asked if any action was to be taken as a result of the Executive Session.*

*No action was taken.*

**17. Pending Claims for damage to Sheriff's Vehicle by CAPPS / Confer with County Attorney concerning claim from CAPPS**

**A. Executive Session - § 551.071, Government Code, VTCA, Pending Litigation and Consultation on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this Chapter (Privileged Matters)**

*At 1:38 p.m., Judge Beard announced that Commissioners Court was going into Executive Session pursuant to Section §551.071, Government Code, to discuss pending claims for damage to a Sheriff's vehicle. The courtroom was cleared of all but Commissioners Court and the County Attorney and the County Treasurer.*

**Reconvene in Open Session**

***B. Discussion and appropriate action resulting from Executive Session***

*At 1:47 p.m., the Commissioners Court reconvened in open session. Judge Beard said that the Court had been in Executive Session pursuant to Section §551.071 of the Government Code. Judge Beard asked if any action was to be taken as a result of the Executive Session.*

*No action was taken.*

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***VAL CLARK BEARD, COUNTY JUDGE***

***ATTEST:***

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***BERTA RIOS MARTINEZ, COUNTY CLERK***