

**CALLED MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
MONDAY, MAY 16, 2011, AT 9:30 A.M.**

VAL CLARK BEARD	COUNTY JUDGE
ASA STONE	COMMISSIONER PCT. 1
KATHY KILLINGSWORTH	COMMISSIONER PCT. 2
RUBEN ORTEGA	COMMISSIONER PCT. 3
MATILDE PALLANEZ	COMMISSIONER PCT. 4
JERRY SOTELLO	J.P., PCT. 1
BERTA RIOS MARTINEZ	COUNTY CLERK
STEVE HOUSTON	COUNTY ATTORNEY
BETTY JO ROONEY	TAX ASSESSOR COLLECTOR

To discuss and take action as appropriate on the following:

1. Pending Litigation / Confer with County Attorney re

Cause No. 2007-03-B8551-CV, Michael J. McCulloch, Kathleen and Alice McCullum, Individually and d/b/a/ Osoba Ranch Company VS Brewster County, Texas, In The District Court of Brewster County, Texas 394th Judicial District / (Mills Road Case), and

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 394th Judicial District

A. Executive Session Pursuant to §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), and Pursuant to Section §551.072, Government Code, VTCA, Deliberation regarding real property (Mills Road Case)

At 9:30 a.m., Judge Beard announced that Commissioners Court was going into Executive Session pursuant to Section §551.071, Government Code, to discuss pending litigation related to Cause No. 2007-03-B8551-CV, Michael J. McCulloch, Kathleen and Alice McCullum, Individually and d/b/a/ Osoba Ranch Company VS Brewster County, Texas and Cause No. Pasqual Q. Olibas, Individually and d/b/a Freedom Bail Bonds, Plaintiff VS. Ronny Dodson, as Sheriff

of Brewster County, Texas, Defendant. 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 in regard to either of these pending cases

At 9:52 a.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. She asked if there was any action to be taken as a result of the executive session.

No action was taken.

2. TxDot Border Access Colonia Paving Grant

A. Update

Commissioner Killingsworth said the bids will be issued and opened in June.

B. Easements

1. Road / Right of Way Easement from County for Terlingua Springs & vicinity Project / Discussion and appropriate action concerning County granting easement

Easements are necessary from Rex Ivey Road to Terlingua Springs. Commissioners Killingsworth explained that the County is one of the land owners.

Commissioner Killingsworth made a motion to grant the easement, which was seconded by Commissioner Stone, and passed unanimously.

3. Treasurer

A. General Bills / Discussion and appropriate action

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

Commissioner Ortega abstained from 71335.

Two walk-in bills were presented, one for Eve Trook for ad litem attorney fees for \$772.50, and another for court-appointed attorney fees for Jennie Beth Fannin for \$431.25.

Commissioner Ortega made a motion to approve the walk-in bills, which was seconded by Commissioner Stone, and passed unanimously.

B. Infrastructure Projects Bills / Discussion and appropriate action

No infrastructure bills were presented for approval.

C. Open account for Pre-trial Diversion for County Attorney / Discussion and appropriate action

Commissioner Killingsworth made a motion to open an account for pre-trial diversion fees, which was seconded by Commissioner Stone, and passed unanimously.

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

4. Policies & Procedures Related to Disposition of Used County Equipment / Discussion and appropriate action

Judge Beard said there are generally requests from the Sheriff's Office, and sometimes the Water Supply Corporation. She asked if the Commissioners are interested in establishing a procedure to determine who is in the most need to receive some items of used County equipment. Commissioners concurred, and the issue will be discussed in future meetings.

RECESS until 10:00 A.M.

2011 Redistricting Workshop and Preliminary Action Items

Judge Beard made some comments about the notice of this meeting. She said it was posted at the Courthouse, as usual, and given to the radio station and the newspaper. It was also posted on the County website, and on Facebook. More notice than is required by law was given.

1. Presentation and discussion regarding redistricting process and principles including initial assessment of County Commissioners Precincts – Greg Hudson, Hudson & O'Leary LLP.

Mr. Hudson reviewed the redistricting process, reminding Commissioners that the same process is going on at the State and Federal levels.

Mr. Hudson said he was hoping that the County would not have to go through the redistricting process following this last Census, but that is not the case. Additionally, Mr. Hudson said that, once again, he believes Brewster County was undercounted.

There are four principles of redistricting, which Mr. Hudson has already laid out in a letter to Commissioners.

The first legal principal is one person, one vote. The value of a vote should carry the same weight as a voter in the next precinct.

The precincts must be drawn using Census blocks, the dynamics of which are created and re-created every 10 years.

Minority voting blocks must be maintained, and not diluted or fragmented into different precincts.

J.P. and Constable precinct boundaries need to be drawn according to the Census, as well.

The last part of the process involves the voting precincts, which are based on the local boundaries, and the State and Federal boundaries.

Texas is subject to the Voting Rights Act. A Section 5 submission document must be sent to the Department of Justice.

The DOJ will look at the precincts and make sure they are balanced to within 10 percent. Hispanic precincts need to be balanced to 65 percent; the voting age needs to be balanced at 50 percent.

Even though the DOJ may not object to the plan, the County is not protected from a Section 2 lawsuit, which may be brought, for example, by an individual or minority group.

Minority factors cannot predominate the redistricting process.

The first thing Commissioners need to do is adopt a set of redistricting criteria.

They need to consider any plan brought in by the public.

Mr. Hudson presented a map of the current precincts, which showed the Census breakdown, as well as a chart. At this point, the precincts are not balanced within 10 percent. The spread is 25 percent.

One issue this year is that the Census allowed people to check boxes for both race and ethnicity. It has caused some confusion, but for purposes of redistricting, ethnicity it to be used.

In future workshops, Mr. Hudson said at least a couple of hours need to be set aside. The process takes time. He will bring a map which balances the precincts as a starting point.

Judge Beard noted that in 2000, Alpine was a lot more integrated than in previous Censuses. She said she believes that it will be even more so this time around, which is a good thing. But it can make it difficult to maintain a Hispanic majority precinct.

Cindy Perry of the Alpine Avalanche asked if there is a deadline.

Mr. Hudson said that election applications must be received in January, and people need to know at that time which precinct they live in. The DOJ has 60 days to

approve the plan, and we have to accommodate the State and Federal plans. He would like to, then, be finished by August.

Judge Beard asked Commissioners if they approve of the orders as written, or if they have questions or suggestions.

2. Discussion and Possible Action on approval of an Order adopting criteria for use in redistricting of County Commissioners Precincts

Commissioner Killingsworth made a motion approving the order adopting criteria for use in redistricting, which was seconded Commissioner Ortega, and passed unanimously.

3. Discussion and Possible Action on approval of an Order establishing Guidelines for Person(s) submitting specific Redistricting Proposals for redistricting of County Commissioners Precincts

Commissioner Killingsworth made a motion approving the order establishing guidelines for person submitting specific redistricting proposals. Commissioner Ortega seconded the motion, which passed unanimously.

Commissioner Ortega made a motion to adjourn, which was seconded by Commissioner Stone, and passed unanimously.

VAL CLARK BEARD, COUNTY JUDGE

ATTEST:

BERTA RIOS MARTINEZ, COUNTY CLERK