

October 8, 2024 Burnet County Commissioners Court meeting, Agenda Item #10:
"Discussion and/or action regarding an anonymous letter received on October 1, 2024, accusing Commissioner Damon Beierle of violating Local Government Code 171.004."

The accusations contained in that letter are FALSE:

From Burnet County Commissioners Court Minutes from May 9, 2023, Agenda Item #18c:

Item #18:

Contracts, Agreements,
or Grants

The court discussed contracts, agreements or grants to be approved and/or ratified:

c. Tourism Sponsorship Form for the Summer Concert Series in the amount of \$3600

Blair Manning, Tourism, discussed the tourism sponsorship for the summer concert in the amount of \$3600.

Motion is made by: Commissioner Precinct 3 Billy Wall, Seconded by: Commissioner Precinct 1 Jim Luther, Jr. to approve the Tourism Sponsorship Form for the Summer Concert Series in the amount of \$3600.

Vote: 3 - 0 Passed

Other: Commissioner Precinct 2 Damon Beierle (Abstain)

Attachments:

[Tourism Summer Concert Series Sponsorship Application](#)

From Burnet County Commissioners Court Minutes from May 23, 2023, Agenda, Item #25b:

Item #25B:

Tourism Sponsorship – Marble Falls Concert Series

The court discussed contracts, agreements or grants to be approved and/or ratified:

b. Tourism Sponsorship – Marble Falls Concert Series in the amount of \$5,000

Blair Manning, Tourism, addressed the court about the sponsorship of the Marble Falls Concert Series.

Motion is made by: Commissioner Precinct 3 Billy Wall, Seconded by: Commissioner Precinct 1 Jim Luther, Jr. to approve the Tourism Sponsorship – Marble Falls Concert Series in the amount of \$5,000

Vote: 3 - 0 Passed

Other: Commissioner Precinct 2 Damon Beierle (Abstain)

Attachments:

[Event Sponsorship Application Marble Falls Concert Series](#)

Commissioner Beierle ABSTAINED on both agenda items.

Furthermore, Commissioner Beierle did NOT admit to violating § 171.004 or any other law violation on September 12, 2023, as alleged in the anonymous letter: "When the judge asked each commissioner individually if they had done this before, all commissioners said no, except Beierle he said yes."

This is CATEGORICALLY FALSE as you can see from this partial transcription from the 9/12/2023 official audio:

Judge Oakley: 171.004 um again talks about that if a local public official has a substantial interest in a business entity or real property the official shall file for a vote or decision on any matter involving a business entity or real property an affidavit stating the nature and extent of the interest shall and shall abstain from any participation in the matter. Um it says the affidavit must be filed with the official record keeper of the governing, governmental entity, which in this case would be the county clerk. So, and then, towards the bottom, the things that pertain - there's some things there that don't pertain because it's talking about municipal government and also some things that have to do with law practice, it also has to do with higher education, but section 171.009 is service

on a board or corporation for no compensation. It says it shall be lawful for a local public official to serve as a member of a board of directors of a private nonprofit corporation when such officials receive no compensation or other remuneration [sic] from the nonprofit corporation or other nonprofit entities. So um an example of that would be um if you serve on a board, let's say you're on CASA, correct? [speaking to Beierle]

Beierle: Yes sir. (NOTE: Commissioner Beierle is the current President of the CASA Board)

Oakley: And we find some things with CASA and you, and when we vote on the funding, that is to say, that you don't have to abstain,

Beierle: Right.

Oakley: you don't have to do anything and this is all clarified by Greg Abbott when he was Attorney General, his, Greg Abbott's Attorney General Opinion 0068 covers this and clarifies it, um, and so um, recently, it has been a point of discussion about my serving on the board of the Pedernales Electric Cooperative, that is a substantial interest because more than 10% of my gross annual salary income - uh not salary - income, is derived from that, that's to say that I need to abstain from any items that come to this court that involve PEC. Well there hasn't been any that I'm aware of, the County Attorney, there's nothing that's come up in the past that we're aware of that has anything to do with that, so there's no need to abstain. Of course it's all in the public. Uhhh, I know that Commissioner Dockery is a licensed real estate broker, and there hasn't been any transactions that involve Burnet County, correct?

Dockery: No, and I wouldn't participate, period.

Oakley: Yeah, um, you're still, Commissioner Luther, you're still a licensed emergency medical technician, but none of that activity has anything to do with...

Luther: It does not.

Oakley: No, it does not do that. Um, where it does get a little dicey - and this is not a - this is not, this is all for education, clarification to make sure that we are doing things correctly, as it's stated in 171.003, it stays the local commission, the local public official commits an offense if the official knowingly. And so, there's a lot of laws out there, and we just want to make sure we do things right, and to that I would say it might be on - there's been some, there's been some item in the past couple years with Commissioner Beierle, with funding from the HOT tax from some music events, and you've abstained from those, and that's great, but this is saying there needs to be a corresponding affidavit, so it might be food for thought, for moving forward....

Beierle: Sure.

Commissioner Beierle is in compliance with the requirements of Chapter 171 of the Texas Local Government Code. The letter states the correct statute and dates, but the conclusions drawn are not factually based, therefore it my opinion that this letter is bogus.