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Transcript of Brent Chesney

Date: August 19, 2025

Case: Nueces County, Texas -v- Jones Family Trust, et al.

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CAUSE NO. 2024CCV-00001-1

NUECES COUNTY, TEXAS,)
Petitioner,)
vs)
JONES FAMILY TRUST AND)
LAURENCE R. JONES, III,))
INDIVIDUALLY AND AS THE)
REPRESENTATIVE OF THE)
JONES FAMILY TRUST,)
Respondents.)

DEPOSITION OF BRENT CHESNEY

10:30 a.m.

AUGUST 19, 2025

BY: Susan Bell
Certified Court Reporter, CSR, CCR#14

Transcript of Brent Chesney
Conducted on August 19, 2025

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STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED,
by and between the parties through the respective
counsel that the deposition of BRENT CHESNEY, a
witness in the above-entitled cause, may be taken
before Susan Bell, Certified Shorthand Reporter,
REMOTELY VIA ZOOM, on the 19th of August, 2025,
commencing at 10:30 a.m.

IT IS FURTHER STIPULATED AND AGREED
that the signature to and the reading of the
deposition by the witness is NOT waived, the
deposition to have the same force and effect as
if full compliance had been had with all laws and
rules of court relating to the taking of
depositions.

Transcript of Brent Chesney
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1 IT IS FURTHER STIPULATED AND AGREED
2 that it shall not be necessary for any objection
3 to be made by counsel as to any questions except
4 as to form or leading questions, and that counsel
5 for the parties may make objections and assign
6 ground at the time of trial, or at the time said
7 deposition is offered in evidence, or prior
8 thereto.

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APPEARANCES

FOR THE RESPONDENTS:

WINSTEAD, PC

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Transcript of Brent Chesney
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1 I, Susan Bell, Certified Short-
2 hand Reporter acting as commissioner certify
3 that there came before me REMOTELY VIA ZOOM
4 on August 19th, 2025 at 10:30 a.m., BRENT
5 CHESNEY, witness in the above cause, for oral
6 examination, whereupon the following
7 proceedings were had:

8
9 EXAMINATION BY MR. HAMEL:

10
11 Q. Okay. Good morning, Commissioner
12 Chesney.

10:01:51

10:05:04

13 A. Good morning.

10:05:04

14 Q. Do you prefer Commissioner Chesney
15 Mr. Chesney, some other iteration?

10:05:05

10:05:08

16 A. Whatever you want.

10:05:10

17 Q. I'm going to go with Mr. Chesney
18 just so I don't have to say "commissioner" a
19 bunch, not to be disrespectful or anything.

10:05:10

10:05:14

10:05:16

20 A. Sure.

10:05:17

21 Q. You understand we're here today
22 regarding a lawsuit and a counterclaim law-
23 suit that was filed by Nueces County against
24 my client, Brud Jones.

10:05:18

10:05:19

10:05:23

10:05:24

25 Does that sound familiar?

10:05:27

Transcript of Brent Chesney
Conducted on August 19, 2025

1	A. A Declaratory Judgment we filed,	10:05:28
2	yes, action, yes.	10:05:32
3	Q. And you understand a Declaratory	10:05:33
4	Judgment action is lawsuit pursuant to the	10:05:37
5	Declaratory Judgment act; correct?	10:05:39
6	A. Yes, I do.	10:05:40
7	Q. It is a lawsuit and you get that	10:05:40
8	part; right?	10:05:41
9	A. I absolutely do.	10:05:42
10	Q. Have you ever given a deposition	10:05:43
11	before?	10:05:45
12	A. You know I was thinking about that	10:05:46
13	this morning. I don't think that I have but	10:05:48
14	I'm not 100 percent certain about that. So I	10:05:50
15	don't think so but don't hold me to that one.	10:05:53
16	I'm not sure.	
17	Q. And that's totally fine. In my	10:05:56
18	experience, it's kind of like a car accident,	10:05:58
19	if you've had one, you probably remember it.	10:05:59
20	They're not the most fun but I will do my ut-	10:06:03
21	most to make sure that this hopefully goes	10:06:06
22	pretty smoothly.	10:06:08
23	However, since it is potentially	10:06:08
24	your first deposition I'm just going to run	10:06:11
25	through some quick ground rules briefly.	10:06:12

Transcript of Brent Chesney
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1	This our court reporter, Susan.	10:06:15
2	She is a wonderful person, her job is exceed-	10:06:17
3	ingly difficult based on how quickly I speak.	10:06:21
4	Her job is impossible if you and I speak over	10:06:25
5	each other.	10:06:28
6	Because of that and because she's	10:06:29
7	taking a record of what we say, I'm going to	10:06:30
8	simply ask that you let me finish my complete	10:06:32
9	question before you begin your answer and I	10:06:35
10	will do my utmost to make sure that I allow	10:06:37
11	you to finish your complete answer before I	10:06:39
12	begin my next question.	10:06:39
13	Sound fair enough?	10:06:41
14	A. It does. And let me correct. I	10:06:42
15	have definitely been on this side as a lawyer	10:06:45
16	taking depositions but I think you asked me	10:06:46
17	if I had ever been deposed. So I'm not sure	10:06:48
18	I've been deposed but I have been involved in	10:06:51
19	a lot of depositions on the other side.	10:06:53
20	Q. Maybe we don't need to run through	10:06:56
21	all the ground rules then since you've been	10:06:58
22	--	10:06:59
23	A. No, you can.	10:06:59
24	Q. -- in my chair.	10:06:59
25	A. I just wanted to be clear for the	10:07:01

Transcript of Brent Chesney
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1	testimony.	10:07:03
2	Q. Absolutely. You are an attorney?	10:07:03
3	A. Yes, sir.	10:07:04
4	Q. Are you still practicing?	10:07:04
5	A. Yes, sir; but not litigating.	10:07:07
6	Q. Not litigating. Okay.	10:07:09
7	I may ask you a poor question or a	10:07:12
8	confusing question. That has been known to	10:07:15
9	happen from time to time. So, if I ask you a	10:07:17
10	question that is confusing or poorly worded	10:07:19
11	or because we're doing this via zoom my con-	10:07:21
12	nection cuts out and you don't catch some of	10:07:25
13	it, please just let me know. I'll do my best	10:07:26
14	to reword it in a way that you can understand	10:07:28
15	it.	
16	If you do answer my question, I'm	10:07:31
17	going to infer from that that you understood	10:07:32
18	my question as it was asked.	10:07:34
19	Fair enough?	10:07:36
20	A. Yes, sir.	10:07:37
21	Q. I'm not sure if you ask this one	10:07:37
22	or not and I've never gotten a yes to it but	10:07:42
23	maybe you have. You are not any substances	10:07:45
24	right now that would prevent you from giving	10:07:47
25	full, fair and accurate testimony, are you?	10:07:50

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1	A. I am not.	10:07:51
2	Q. I simply as that, if for whatever	10:07:51
3	reason you need to take medication or other	10:07:52
4	substances that impair your ability to give	10:07:54
5	full, fair and accurate testimony, that you	10:07:56
6	go ahead and me know; all right?	10:07:59
7	A. Yes, sir.	10:07:59
8	Q. And then lastly this is a -- it is	10:08:00
9	a deposition; however, you are not a prisoner	10:08:03
10	so, to the extent that you need a break, I'm	10:08:06
11	happy to oblige. I would simply ask, if I	10:08:08
12	have a question posed, you give me a response	10:08:12
13	to my question before we take a break.	10:08:14
14	And that goes for Susan and John	10:08:16
15	as well. Anybody who needs to take a break,	10:08:18
16	just let me know that and we can take a quick	10:08:20
17	break anytime.	10:08:22
18	A. Okay.	10:08:23
19	Q. Great. Okay. You are -- what is	10:08:23
20	your current position on the Commissioners	10:08:28
21	Court?	10:08:31
22	A. I am Nueces County Commissioner	10:08:31
23	Precinct 4.	10:08:34
24	Q. Okay. How long have you held that	10:08:34
25	position?	10:08:36

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1	A.	This my eleventh year.	10:08:36
2	Q.	So you would've originally become	10:08:38
3		the precinct (inaudible) with Precinct 4?	10:08:41
4	A.	Say that again. I'm sorry.	10:08:45
5	Q.	Has that always been the Precinct	10:08:45
6		4 Commissioner?	10:08:48
7	A.	Yes, sir.	10:08:49
8	Q.	And is Padres Balli Park within	10:08:49
9		Precinct 4?	10:08:53
10	A.	Yes, sir.	10:08:55
11	Q.	Okay. And what generally are your	10:08:55
12		responsibilities as a County Commissioner?	10:08:58
13	A.	That's a good question. Generally	10:09:00
14		we are similar to City Council people in that	10:09:05
15		we create the budget for Nueces County. We	10:09:08
16		oversee projects in our precinct and we are	10:09:12
17		involved in all the countywide projects as	10:09:15
18		well and we are mainly the funding mechanism	10:09:18
19		for projects that go on in the county; but,	10:09:22
20		again, we also have a lot of oversight of	10:09:25
21		those project that are in our precinct.	10:09:28
22		I don't know if that -- but that's	10:09:29
23		generally. If you're looking for something	10:09:30
24		more, please ask and I'm happy to answer.	10:09:32
25	Q.	No. That was very helpful.	10:09:35

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1	How many members sit on the Com-	10:09:37
2	missioners Court?	
3	A. In Texas, it's the same in every	10:09:40
4	county. There's 254 counties and there's 4	10:09:43
5	County Commissioners in every county and 1	10:09:45
6	County Judge.	10:09:47
7	Q. And, in terms of hierarchy, would	10:09:47
8	it be fair to say the County Judge sits above	10:09:50
9	the Commissioners Court, at the same level as	10:09:52
10	the Commissioners Court? How exactly does	10:09:54
11	that work?	10:09:55
12	A. Same level. She's county -- she's	10:09:55
13	elected countywide but she is one vote. She	10:09:58
14	presides over the meetings but she's one vote	10:10:00
15	just like we are.	10:10:03
16	The difference is like I said she	10:10:05
17	is countywide elected, we're precinct elected	10:10:06
18	and she presides over the meetings.	10:10:12
19	Q. Would deciding whether to initiate	10:10:14
20	litigation on behalf of Nueces County be	10:10:17
21	something that falls within the purview of	10:10:19
22	the Commissioners Court?	10:10:24
23	A. Yes.	10:10:24
24	Q. How frequently does the Commis-	10:10:24
25	sioners Court vote on whether to initiate	10:10:28

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1	lawsuits?	10:10:29
2	A. To initiate; very, very rarely.	10:10:30
3	Q. Could you ballpark it for me? In	10:10:33
4	terms of the 11 years that you've been on the	10:10:36
5	Commissioners Court, how many times have you	10:10:39
6	voted to initiate a lawsuit?	10:10:41
7	A. I would be guessing. I don't want	10:10:41
8	to guess. I would stick with very rarely.	10:10:44
9	Q. Less than five?	10:10:48
10	A. I'm just going to stick with very	10:10:49
11	rarely. I just can't remember but we haven't	10:10:55
12	done it a lot. I don't know.	10:10:57
13	Q. No problem. So, as it pertains to	10:10:58
14	this lawsuit, was there a vote by the Commis-	10:11:00
15	sioners Court?	10:11:04
16	A. There was -- there had to have	10:11:04
17	been -- in regard to asking for a Declaratory	10:11:06
18	Judgment, there had to have been, yes.	10:11:10
19	Q. Would it be fair to say obviously,	10:11:11
20	in order to take that action to initiate a	10:11:13
21	lawsuit, you would need a vote of approval	10:11:16
22	from the majority of the Commissioners Court	10:11:18
23	members?	10:11:21
24	A. Correct.	10:11:21
25	Q. And do you happen to recall as it	10:11:22

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1	pertains to this lawsuit what the voting was	10:11:24
2	regarding approving or disapproving filing	10:11:27
3	this lawsuit?	10:11:30
4	A. Obviously, it was to approve. I	10:11:31
5	don't remember the specific vote or the vote	10:11:35
6	count but it was to approve because we're	10:11:38
7	sitting here.	10:11:40
8	Q. I certainly hope so; right?	10:11:40
9	A. Right, absolutely.	10:11:43
10	Q. Do you happen to recall how you	10:11:44
11	voted?	10:11:47
12	A. I voted in favor.	10:11:47
13	Q. Just briefly, why exactly did you	10:11:48
14	feel it was necessary to file this lawsuit?	10:11:52
15	A. Simply put, because your client	10:11:54
16	repeatedly told us that, if we didn't do what	10:11:57
17	you wanted, that you were going to file the	10:11:59
18	lawsuit and we got down to the deadline in	10:12:00
19	which you said if we didn't -- your client	10:12:03
20	said if we didn't do it by a certain date,	10:12:06
21	you were going to file a lawsuit.	10:12:08
22	So we took preemptory action to	10:12:09
23	simply go forward and ask for a Declaratory	10:12:12
24	Judgment on a single issue regarding the def-	10:12:15
25	inition of short-term or long-term camping,	10:12:18

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1	overnight; and that was the action we took	10:12:22
2	because we needed some guidance.	10:12:26
3	We didn't think you were right and	10:12:28
4	you didn't think that we were right and your	10:12:30
5	client was telling us you were going to file	10:12:32
6	a lawsuit against us. So we went ahead and	10:12:34
7	we asked for a Declaratory Judgment with no	10:12:37
8	damages or anything of that nature requested	10:12:39
9	by you or by us and that was the reason we	10:12:42
10	did it. We didn't feel like we had a choice.	10:12:44
11	Q. You understand that Nueces County	10:12:48
12	is seeking attorneys fees; right?	10:12:49
13	A. I don't know that. That's common	10:12:51
14	in a pleading. I think every pleading I've	10:12:54
15	ever -- when I've filed suit, in every single	10:12:57
16	solitary pleading, it's a common pleading to	10:13:00
17	ask for attorneys fees and so that wouldn't	10:13:01
18	surprise me.	10:13:04
19	Q. The reason I ask is you said that	10:13:04
20	basically your understanding was my client	10:13:07
21	had threatened a lawsuit so the County then	10:13:09
22	apparently felt the need to file a lawsuit	10:13:11
23	against him preemptively.	10:13:13
24	Is that a fair summary of what you	10:13:16
25	said?	10:13:17

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1 A. Yeah, but I think it goes farther 10:13:17
2 than that. We tried many times to sit down 10:13:19
3 with the Jones family but that wasn't -- we 10:13:21
4 weren't provided that opportunity despite our 10:13:25
5 repeated requests to do so. So we just felt 10:13:29
6 like it was lawyers talking to lawyers and we 10:13:30
7 needed to do something to get some sort of 10:13:33
8 clarity on what the definition of long-term 10:13:34
9 verus short-term overnight camping is because 10:13:37
10 that seemed to be a very large sticking point 10:13:41
11 to your client. 10:13:43
12 Q. Is that not something that could 10:13:43
13 have been determined -- you know, assuming 10:13:45
14 my client filed suit, the County could have 10:13:47
15 waited for that to happen and then a deter- 10:13:51
16 mination could've been made? 10:13:54
17 A. I guess we could've waited for you 10:13:54
18 to file suit but I don't know why we would 10:13:57
19 want to do that. We just wanted an answer on 10:13:59
20 long term versus short term. 10:14:02
21 Q. You said that you're not seeking 10:14:04
22 damages but the County based on what you just 10:14:05
23 told me pled for attorneys fees. 10:14:08
24 So are you not sure whether the 10:14:10
25 County is actively seeking attorneys fees? 10:14:12

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1	A.	Again, I'm sure on that. All I	10:14:14
2		know is we authorized to file suit. That's a	10:14:16
3		common pleading so I'm going to take you at	10:14:20
4		your word we are.	10:14:22
5	Q.	And, in terms of the payment for	10:14:23
6		the attorneys to file this lawsuit, that's	10:14:28
7		obviously taxpayer dollars; is that fair to	10:14:30
8		say?	10:14:33
9	A.	The payment for our attorneys?	10:14:33
10	Q.	Correct.	10:14:35
11	A.	Yes, sir.	10:14:35
12	Q.	So would that not be a reason to	10:14:36
13		not initiate the litigation and wait and see	10:14:38
14		whether a threatened lawsuit in fact comes to	10:14:41
15		fruition before responding to it?	10:14:45
16	A.	At the time we felt like we needed	10:14:46
17		to get some definition and the threats were	10:14:48
18		real and they were ongoing and you gave us a	10:14:51
19		date certain and said, if we don't answer to	10:14:53
20		you by this date certain, you were filing the	10:14:55
21		lawsuit.	
22		We felt we needed to go into it.	10:14:57
23		That was the reason we did it, because y'all	10:14:59
24		had constantly threatened us with lawsuits	10:15:01
25		and you gave us a date certain or you would	10:15:03

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1	be filing a lawsuit.	10:15:06
2	Q. This was filed by Mr. Martinez'	10:15:06
3	firm as opposed to the County Attorney.	10:15:13
4	Is that common practice in terms	10:15:13
5	of litigation brought by the County, to hire	10:15:15
6	outside counsel?	10:15:16
7	A. Again, not knowing as I said how	10:15:17
8	many times we've filed lawsuits against, it's	10:15:19
9	up to the County Attorney. That's always her	10:15:23
10	decision to make. We don't make the decision	10:15:25
11	on who files the lawsuit, she has the purview	10:15:28
12	of whether she's going to file it or she is	10:15:30
13	going to hire outside counsel.	10:15:32
14	Q. So the County Attorney is the one	10:15:33
15	who made the decision to hire Mr. Martinez'	10:15:34
16	firm?	10:15:36
17	A. That's correct.	10:15:37
18	Q. As far as the justification for	10:15:37
19	that, were you informed on the Commissioners	10:15:40
20	Court that she was planning on hiring outside	10:15:43
21	counsel on what the basis for that was?	10:15:45
22	A. I don't really remember. We don't	10:15:47
23	really spend a lot of time asking her.	10:15:50
24	She has an outside counsel budget	10:15:52
25	and we don't really spend time a lot of time	10:15:55

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1	drilling her on who she hires and she doesn't	10:15:57
2	hire because that's her job.	10:15:58
3	Q. Okay. Correct me if I'm wrong but	10:15:59
4	I think what you said was that one of y'all's	10:16:02
5	general responsibilities was your oversight	10:16:03
6	regarding budgets; right?	10:16:05
7	A. That's correct.	10:16:06
8	Q. So the outside counsel budget for	10:16:06
9	the County Attorney would be within y'all's	10:16:09
10	purview to review; right?	10:16:12
11	A. The budget, yes, but not who she	10:16:13
12	hires. We give a budget to the County Clerk,	10:16:16
13	District Clerk, the Tax Assessor Collector.	10:16:21
14	We don't oversee anything other than their	10:16:21
15	budgets because they are elected officials	10:16:24
16	just like we are.	
17	Q. Gotcha.	
18	A. And it's the law, too. They have	10:16:26
19	a right to run their department the way they	10:16:27
20	see fit. That's a legal thing as well.	10:16:29
21	We don't -- we stay in our lane.	10:16:32
22	We try to stay in our lane because that helps	10:16:36
23	us get along with the other elected officials	10:16:37
24	a little bit better.	10:16:40
25	Q. Are you aware of whether there	10:16:40

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1	are any lawsuits currently pending that were	10:16:42
2	filed by the County that are being handled	10:16:43
3	solely by the County Attorney?	10:16:46
4	A. That we filed or we are defending?	10:16:48
5	I know the County Attorney is handling ones	10:16:51
6	we are defending but I don't know, again, be-	10:16:53
7	cause I can't think of any other lawsuits off	10:16:57
8	the top of my head right now we initiated. I	10:16:59
9	don't know the answer. I apologize.	10:17:01
10	Q. Do you happen to know how much in	10:17:02
11	attorney fees has been charged to the County	10:17:05
12	to date regarding this lawsuit?	10:17:08
13	A. I do not.	10:17:09
14	Q. All right. Kind of going back a	10:17:09
15	little bit to your general understanding of	10:17:16
16	the basis for this lawsuit was my client took	10:17:18
17	a position regarding the extended overnight	10:17:21
18	camping and the County disagreed, what do you	10:17:23
19	understand -- or why don't I ask it this way.	10:17:26
20	Did you believe pursuant to deed restrictions	10:17:28
21	applicable to Padres Balli that there is a	10:17:31
22	prohibition on the length of stay?	10:17:34
23	A. There is in the deed restriction	10:17:37
24	language that talks about -- and I'm sorry, I	10:17:43
25	don't have it in front of me. It's either no	10:17:47

Transcript of Brent Chesney
Conducted on August 19, 2025

1	long term or it has to be short term but I	10:17:48
2	can't remember which one is which because I	10:17:52
3	haven't looked at it in a long time but I do	10:17:54
4	think there is a definitely some language in	10:17:54
5	there that talks about what the length of	10:17:57
6	stay can be.	10:17:58
7	Q. And what is your understanding as	10:17:59
8	Nueces County Commissioner as to of what that	10:18:03
9	length of stay is?	10:18:05
10	A. The length of stay we have been	10:18:06
11	operating under for the last 20-plus years,	10:18:10
12	which is the two weeks, which is the federal	10:18:13
13	definition that we believe was the basis of	10:18:16
14	the Declaratory Judgment that we filed.	10:18:18
15	Q. So you believe it to be two weeks?	10:18:21
16	A. That's my understanding but I do	10:18:24
17	not know. That's why we went to the Court to	10:18:27
18	get a definition my opinion really doesn't	10:18:29
19	matter, is what is the law.	10:18:32
20	That's why we filed it, because	10:18:33
21	we're trying to figure out what's right and	10:18:37
22	what's fair so we continue to do what is the	10:18:41
23	right thing for that property which has been	10:18:41
24	completely used for public for use as long as	10:18:44
25	we've had it.	10:18:46

Transcript of Brent Chesney
Conducted on August 19, 2025

1	Q. Did the Commissioners Court ask	10:18:47
2	the County Attorney what their opinion was	10:18:50
3	regarding length of stay as applicable to	10:18:54
4	Padres Balli before deciding to filing this	10:18:57
5	lawsuit?	10:18:59
6	A. Did we ask the County Attorney,	10:18:59
7	which would be an attorney/client privilege	10:19:07
8	question? Yes, we've had discussions in our	10:19:10
9	Executive Session with our attorney advising	10:19:15
10	us about this lawsuit and advising us about	10:19:16
11	everything regarding it.	10:19:18
12	Q. So my question -- and I totally	10:19:19
13	appreciate that but it's a little different.	10:19:20
14	Before this lawsuit was filed, was there any	10:19:22
15	consultation with the County Attorney regard-	10:19:25
16	ing either what her opinion was as far as	10:19:28
17	what the permissible length of stay was or	10:19:31
18	what prior County Attorneys had determined	10:19:36
19	was the permissible length of stay under the	10:19:40
20	deed restrictions?	10:19:42
21	A. Yes.	10:19:42
22	Q. And what if anything was their	10:19:43
23	determination as far as what the allowable	10:19:46
24	length of stay was?	10:19:49
25	A. Again, I would say that would be	10:19:50

Transcript of Brent Chesney
Conducted on August 19, 2025

EXHIBIT

3

23

1 attorney/client privilege so I would have to
2 kind of defer on that because she has given
3 us this advice in our Executive Session and I
4 think that's privileged.

10:19:51

10:19:54

10:19:58

10:20:01

5 So I think you'll have to ask her.
6 You're getting into a territory I don't think
7 I should be answering.

10:20:03

10:20:04

10:20:07

8 MR. MARTINEZ: I'm going to object
9 to attorney/client privilege.

10:20:08

10:20:09

10 MR. HAMEL: Got it.

10:20:12

11 Q. Is your position if hypothetically
12 the County Attorney said "No, we're wrong, it
13 is four days, three nights; y'all shouldn't
14 file this lawsuit," that would be protected
15 by attorney/client privilege if you decided
16 as County Commissioner to ignore that and
17 file a lawsuit anyway?

10:20:13

10:20:15

10:20:18

10:20:22

10:20:24

10:20:24

10:20:27

18 MR. MARTINEZ: Object to the form
19 of the question.

10:20:28

10:20:29

20 A. Yeah, you're going to have to --
21 that was really multiple questions. I don't
22 know how to answer that. I'm sorry, I'm not
23 trying to be rude but can you ask those one
24 at a time?

10:20:29

10:20:29

10:20:31

10:20:34

25 Q. The County Attorney is paid for by

10:20:38

Transcript of Brent Chesney
Conducted on August 19, 2025

1	taxpayers through salary; correct?	10:20:40
2	A. Yes.	10:20:42
3	Q. The County Attorney is there as a	10:20:42
4	source of legal knowledge for the utilization	10:20:44
5	of a County Commissioner?	10:20:49
6	A. Yes, and all elected officials.	10:20:50
7	Q. And from time to time the County	10:20:54
8	Attorney issues opinion and memoranda regard-	10:20:56
9	ing questions of law that are posed to the	10:20:58
10	County Attorney by the County Commissioners;	10:20:59
11	is that fair?	10:21:01
12	A. Yes.	10:21:01
13	Q. All right. Did you ever request	10:21:02
14	any memorandum or opinion regarding what the	10:21:03
15	allowable length of stay was in Padres Balli	10:21:08
16	Park before deciding to file this lawsuit?	10:21:11
17	A. Yes.	10:21:13
18	Q. And you're saying you believe that	10:21:13
19	that opinion is protected by attorney/client	10:21:16
20	privilege?	10:21:20
21	A. I'm saying I'm not comfortable	10:21:20
22	telling you what my attorney told me in our	10:21:23
23	Executive Session.	
24	MR. MARTINEZ: And I'm going to	10:21:27
25	instruct him not to answer based on attorney/	10:21:27

Transcript of Brent Chesney
Conducted on August 19, 2025

1	client privilege about any conversation with	10:21:30
2	the County Attorney.	10:21:32
3	Q. (By Mr. Hamel) Would the opinion	10:21:34
4	of the County Attorney carry weight as far as	10:21:37
5	informing your vote as to whether or not to	10:21:41
6	initiate litigation against a citizen of	10:21:44
7	Nueces County?	10:21:47
8	A. Would it carry weight? Certainly.	10:21:48
9	I listen to my attorneys. I don't always	10:21:52
10	agree with my attorneys but they do carry	10:21:55
11	weight, absolutely.	10:21:56
12	Q. Did you ask the County Attorney	10:21:56
13	whether any other County Attorneys previously	10:21:58
14	made public statements or memoranda that has	10:22:01
15	since been published that are no longer pro-	10:22:04
16	tected by attorney/client privilege if they	10:22:08
17	are about what the allowable length of stay	10:22:10
18	in Padres Balli is?	10:22:14
19	MR. MARTINEZ: I'm going to object	
20	to attorney/client privilege and instruct him	10:22:16
21	to no discuss any discussions with the County	10:22:18
22	Attorney.	10:22:20
23	Q. (By Mr. Hamel) And I'm assuming,	10:22:20
24	Mr. Chesney, that you're going to follow your	10:22:26
25	attorney's advice and not answer my question	10:22:28

Transcript of Brent Chesney
Conducted on August 19, 2025

1	on the basis of attorney/client privilege?	10:22:31
2	A. Yes, sir.	10:22:34
3	Q. I'll pull up what I'll be marking	10:22:34
4	as Exhibit 1 to your deposition. I'll share	10:22:38
5	my screen.	10:22:42
6	Can you see that? And I can zoom	10:23:22
7	in if that's helpful.	10:23:24
8	(Defendant's Exhibit Number 1 was	
9	marked for identification.)	10:23:25
10	A. Yeah, I can see it.	10:23:25
11	Q. I'll represent to you this is --	10:23:28
12	these are meeting minutes from 1968 for the	10:23:31
13	Nueces County Commissioners Court.	10:23:36
14	Specifically they were discussing	10:23:41
15	-- if we go up, one of the agenda items was	10:23:42
16	the camping limit for Padres Balli Park. Do	10:23:45
17	you see this highlighted portion?	10:23:50
18	A. Yes, sir.	10:23:55
19	Q. Tell me if I read this correctly.	10:23:55
20	A. Okay.	
21	Q. "King stated that in his and the	10:24:01
22	County Attorney's opinion "extended overnight	10:24:03
23	camping" meant not over four days and three	10:24:05
24	nights."	10:24:08
25	Did I read that correctly?	10:24:08

Transcript of Brent Chesney
Conducted on August 19, 2025

1	A. Yes.	10:24:09
2	Q. Real quick, can you explain for --	10:24:11
3	one of the things I forgot to say is we are	10:24:18
4	obviously not in front of a judge or a jury	10:24:21
5	but you being an attorney know depositions	10:24:23
6	are sworn testimony; right?	10:24:25
7	A. Yes, sir.	10:24:26
8	Q. I may refer to the judge and jury	10:24:26
9	at times but I'm not trying to confuse you or	10:24:29
10	be weird or anything.	10:24:31
11	Can you please just explain what	10:24:32
12	meeting minutes are and what purpose they	10:24:33
13	serve as pertains to the Commissioners Court?	10:24:36
14	A. I don't see this whole document.	10:24:38
15	Was this Commissioners Court meeting minutes	10:24:42
16	or the Parks Board? I'm not real sure. I'm	
17	sorry.	10:24:46
18	Q. Oh, I'm sorry. You're correct,	10:24:46
19	it's the Nueces County Board of Park Commis-	10:24:46
20	sioners?	10:24:50
21	A. Right. These are minutes of the	10:24:50
22	Park Commissioners which are an ancillary arm	10:24:53
23	of the Commissioners Court but's not binding	10:24:56
24	on us or anything of that nature because they	10:24:59
25	meet separately. They have their own Parks	10:25:02

Transcript of Brent Chesney
Conducted on August 19, 2025

1 Board.

2 I don't know who King is or who 10:25:07
3 was making this statement, if it was the -- 10:25:11
4 king was not the County Attorney apparently 10:25:15
5 but he was reciting what the County Attorney 10:25:17
6 said is the way I read it. 10:25:20

7 So these were minutes that reflect 10:25:23
8 the Parks Board's meeting, not Commissioners 10:25:24
9 Court, of April 18th, 1968 from what I read 10:25:29
10 really quickly just when you showed me. 10:25:35

11 Q. A couple of things to break down 10:25:35
12 there. First, I take it that you've never 10:25:37
13 seen this document before, have you? 10:25:39

14 A. I'm not going to say never but I 10:25:40
15 have not reviewed any documents for this in a 10:25:42
16 long, long time. I might've looked at this 10:25:45
17 years ago so I don't want to say never. 10:25:47

18 There's been stuff floating around 10:25:51
19 on this for a long, long time. So I don't 10:25:54
20 want to say never but it it's not familiar to 10:25:55
21 me right off the shoot. 10:25:57

22 Q. One of the other things that you 10:25:58
23 said is County Board of Park Commissioners is 10:26:00
24 ancillary to the Commissioners Court. 10:26:03

25 Do you know whether that actually 10:26:05

Transcript of Brent Chesney
Conducted on August 19, 2025

1	was the case in 1968 whether this body was	10:26:06
2	ancillary the Commissioners Court?	10:26:09
3	A. I don't know. I don't think it --	10:26:11
4	well, I don't know because I don't know if	10:26:16
5	the statute has changed on what Board of Park	10:26:17
6	Commissioners do from '68 to now.	10:26:21
7	The way it's set up now is that	10:26:24
8	it's a statutory board that's appointed by	10:26:26
9	the Commissioners Board and it's actually ap-	10:26:30
10	pointed by a County Judge and ratified by the	10:26:31
11	had Commissioners Court and they are charged	10:26:34
12	with managing the coastal assets.	10:26:35
13	I'm sorry, I don't know if there's	10:26:39
14	differences in '68 to now.	10:26:41
15	Q. It's possible then that this body	10:26:42
16	had authority regarding the deed restrictions	10:26:46
17	in Padres Balli in 1968 as far as you know?	10:26:48
18	MR. MARTINEZ: Object to the form	10:26:52
19	of the question.	10:26:53
20	A. I don't think so. Commissioners	10:26:53
21	Court -- what does that mean by "authority"?	10:26:57
22	I don't know what that means. They have the	10:27:00
23	authority -- sorry, can you ask that a little	10:27:01
24	differently?	10:27:05
25	Q. Sure. I don't remember exactly	10:27:05

Transcript of Brent Chesney
Conducted on August 19, 2025

1	what you said but what I gleaned from this	10:27:08
2	was you were basically saying that all these	10:27:11
3	people may be discussing Padres Balli but any	10:27:13
4	opinion they might have would not be binding	10:27:15
5	because they are not actually Commissioners	10:27:18
6	Court.	
7	Would that be fair?	10:27:21
8	MR. MARTINEZ: Object to the form	10:27:22
9	of the question.	10:27:22
10	A. No. What I'm saying is, when you	10:27:22
11	started this, you made it sound like this was	10:27:25
12	form a Commissioners Court meeting and I was	10:27:28
13	clarifying this is the Park Board of Commis-	10:27:30
14	sioners which is separate and ancillary in a	10:27:32
15	sense that we work together but they're their	10:27:34
16	own board and they have the ability to do	10:27:37
17	certain things on their own.	10:27:41
18	I was just trying to distinguish	10:27:44
19	this was not the Commissioners Court meeting.	10:27:46
20	This is the Park Board of Commissioners.	10:27:48
21	Q. (By Mr. Hamel) Got it.	
22	A. If you want to ask me the question	10:27:50
23	again, I'll try to answer it.	10:27:53
24	Q. I think we got there. My original	10:27:54
25	question --	10:27:58

Transcript of Brent Chesney
Conducted on August 19, 2025

1	A.	I don't know who King is. I don't	10:27:59
2		know if King was a board member. I guess so	10:28:01
3		but I don't think it was a Commissioner but	10:28:05
4		I don't know.	10:28:08
5	Q.	What is the purpose of the meeting	10:28:08
6		minutes?	10:28:13
7	A.	I'm sorry?	10:28:13
8	Q.	What is the purpose of the meeting	10:28:14
9		minutes?	10:28:16
10	A.	To reflect what went on in the	10:28:16
11		meeting.	10:28:21
12	Q.	Right. So you want an accurate	10:28:21
13		record of what was discussed in a meeting so	10:28:24
14		that it can be reviewed by the public for	10:28:28
15		transparency and all that jazz; right?	10:28:31
16	A.	Sure, absolutely.	10:28:33
17	Q.	As pertains to the Commissioners	10:28:35
18		Court now, obviously they are still taking	10:28:37
19		meeting minutes; right?	10:28:40
20	A.	The commissioners Court or Park	10:28:41
21		Board.	10:28:44
22	Q.	Both.	10:28:44
23	A.	I can't speak to what the Park	10:28:45
24		Board of Commissioners does on their minutes.	10:28:47
25		I can tell you we do at Commissioners Court,	10:28:49

Transcript of Brent Chesney
Conducted on August 19, 2025

1	yes.	10:28:50
2	Q. At the beginning of each meeting,	10:28:50
3	do you vote on whether to approve the minutes	10:28:53
4	from the prior meeting?	10:28:55
5	A. From Commissioners Court, yes.	10:28:57
6	Q. Scrolling back down here and as I	10:28:58
7	think you alluded to a little while ago, you	10:29:02
8	don't know who King but he's stating that the	10:29:05
9	County Attorneys opinion "extended overnight	10:29:08
10	camping" meant not over four days and three	10:29:11
11	nights.	10:29:13
12	Does that have any impact in your	10:29:15
13	mind as to what was intended by the drafters	10:29:18
14	of the deed restrictions when they referenced	10:29:21
15	"extended overnight camping"?	10:29:25
16	MR. MARTINEZ: Object to the form	10:29:29
17	of the question.	10:29:29
18	A. No.	10:29:29
19	Q. (By Mr. Hamel) It does not. Why	10:29:29
20	not?	10:29:31
21	A. Because it's an opinion of a board	10:29:31
22	member taking allegedly whatever the County	10:29:34
23	Attorney said 50 years ago or however many	10:29:39
24	years ago that was, 40 or 50 years ago.	10:29:43
25	Q. Do you think there are a lot of	10:29:46

Transcript of Brent Chesney
Conducted on August 19, 2025

1	fraudulent meeting minutes floating around	10:29:48
2	regarding Park Board meetings or Commission-	
3	ers Court meetings?	10:29:52
4	MR. MARTINEZ: Object to the form	10:29:53
5	of the question.	10:29:53
6	A. No, I don't.	10:29:53
7	Q. (By Mr. Hamel) So, as we sit here	10:29:54
8	today, do you have any reason to dispute that	10:29:56
9	it was the opinion of the County Attorney in	10:29:58
10	1968 that "extended overnight camping" meant	10:30:02
11	not over four days and three nights?	10:30:06
12	MR. MARTINEZ: Object to the form	10:30:09
13	of the question.	10:30:09
14	A. I have no reason to believe it	10:30:09
15	either way because it was not stated in the	10:30:11
16	minutes by the County Attorney. This was	10:30:13
17	stated by someone who stated someone else's	10:30:15
18	opinion.	10:30:18
19	In a court of law we all know that	10:30:19
20	that is hearsay and, therefore, I don't have	10:30:22
21	any reason to believe or disbelieve. I just	10:30:23
22	have no reason to know. This was 1968 and it	10:30:26
23	wasn't a quote by the County Attorney, it was	10:30:29
24	a quote by it looks like a board member about	10:30:32
25	what the County Attorney said. So I have no	10:30:40

Transcript of Brent Chesney
Conducted on August 19, 2025

1	reason to know if it was true or not.	10:30:42
2	Q. (By Mr. Hamel) If a prior Nueces	10:30:44
3	County Attorney had been of the opinion that	10:30:47
4	"extended overnight camping" meant not over	10:30:49
5	four days and three nights, would that carry	10:30:53
6	weight with Commissioners Court?	10:30:57
7	MR. MARTINEZ: Object to the form	10:30:59
8	of the question.	10:30:59
9	A. I have no idea if it would carry	10:30:59
10	weight with the Commissioners Court.	10:31:02
11	Q. (By Mr. Hamel) What I'm asking is:	10:31:03
12	Basically, you obviously consult the County	10:31:05
13	Attorney now regarding legal question as it	10:31:11
14	pertains to Nueces County business.	10:31:13
15	Basically, is there any kind of	10:31:15
16	presidential effect of prior County Attorney	10:31:18
17	opinions in your mind?	10:31:23
18	A. As I said earlier, we as the Com-	10:31:24
19	missioners Court -- let me speak for myself	10:31:28
20	because I'm not here to speak for the Com-	10:31:30
21	missioners Court.	
22	I have agreed with, in general;	10:31:32
23	right. I'm not talking about the subject.	10:31:35
24	I've agreed with County Attorneys' opinions	10:31:38
25	and I've disagreed with the County Attorneys'	10:31:41

Transcript of Brent Chesney
Conducted on August 19, 2025

1	opinions.	10:31:42
2	This court made decisions based on	10:31:43
3	what County Attorneys have said and sometimes	10:31:45
4	we don't agree with the County Attorney. We	10:31:48
5	do what we think is still okay.	10:31:52
6	I don't know if that answers your	10:31:55
7	question. I'm trying my best to answer them	10:31:56
8	but I just don't know.	10:31:58
9	Q. I gotcha. Would it be fair to say	10:31:59
10	just because the prior County Attorney was of	10:32:01
11	a certain opinion, you don't feel that is in	10:32:04
12	any way binding on the Commissioners Court	10:32:06
13	now?	10:32:09
14	A. I don't think a County Attorney's	10:32:10
15	opinion is binding on the law, just like I	10:32:13
16	don't think an Attorney General's opinion is	10:32:15
17	binding on the law.	10:32:17
18	It's an opinion. That's why they	10:32:18
19	call them "opinions." I don't think opinions	10:32:20
20	are law in any way, shape or form and I never	10:32:21
21	have and I never will. They are opinions.	10:32:24
22	Q. Gotcha. What if any independent	10:32:27
23	research did you do? I mean, just going back	10:32:31
24	to your prior testimony, you said you believe	10:32:36
25	Nueces County has been enforcing a two-week	10:32:38

Transcript of Brent Chesney
Conducted on August 19, 2025

1	restriction for 20 years. What's the basis	10:32:40
2	for that statement?	10:32:44
3	A. Other than the temporary agreement	10:32:45
4	that we made to stop it, all I've ever known	10:32:49
5	-- let me retract that.	10:32:54
6	For the 11 years that I've been on	10:32:56
7	the Commissioners Court, all I've ever known	10:32:58
8	is the two weeks other than a brief hiatus we	10:33:02
9	took when we were trying to get this resolved	10:33:06
10	with your client and we agreed to temporary	10:33:07
11	four day/three night stays to keep everybody	10:33:11
12	at peace for a little bit of time.	10:33:13
13	I've only known that two weeks for	10:33:16
14	time I've been on Commissioners Court. I may	10:33:18
15	not been remembering. You may have -- I may	10:33:21
16	-- there may be another time in there that I	10:33:24
17	am not knowing but that's all I know.	10:33:26
18	Q. So would it be a more accurate	10:33:28
19	opinion to say that at least for the last 11	10:33:30
20	years Nueces County has been enforcing a two-	10:33:33
21	week restriction on camping?	10:33:36
22	MR. MARTINEZ: Object to the form	10:33:38
23	of the question.	10:33:39
24	A. I think it goes back way farther	10:33:39
25	than 11 years but all I can testify to with	10:33:42

Transcript of Brent Chesney
Conducted on August 19, 2025

1	great confidence is the 11 years.	10:33:45
2	Q. (By Mr. Hamel) You said you think.	10:33:46
3	What is the basis for why you think that? Is	10:33:47
4	that based on something you were told or a	10:33:50
5	document you saw?	10:33:52
6	A. It's because, when I came on the	10:33:52
7	Commissioners Court, they were doing the same	10:33:55
8	thing and they told me they've been doing it	10:33:57
9	for quite some time. That's what I was told.	10:34:00
10	I don't have that firsthand knowledge. That	10:34:03
11	is why I retracted it and said for the 11	10:34:05
12	years.	10:34:06
13	Q. Gotcha. Certainly did you go back	10:34:06
14	and look at any reservations for length of	10:34:09
15	stays, any prior board meeting minutes or	10:34:12
16	court meeting minutes, anything like that?	10:34:17
17	A. No, sir. In preparation for this	10:34:18
18	deposition you mean or like in general?	10:34:20
19	Q. Well, how about prior to voting to	10:34:21
20	initiate the lawsuit.	10:34:25
21	A. We did a lot of review prior to	10:34:26
22	initiating the lawsuit, yes. Not a length of	10:34:29
23	stay, just we got advice from our counsel on	10:34:32
24	the law.	10:34:38
25	Q. I don't want Mr. Martinez to have	10:34:38

Transcript of Brent Chesney
Conducted on August 19, 2025

1 to object again so I don't want to hear from
2 counsel.

10:34:40

10:34:42

3 So, other than advice of counsel
4 -- which I'm assuming that it was the County
5 Attorney; right?

10:34:43

10:34:45

10:34:47

6 A. And we had I think outside counsel
7 along the way, too, not just Mr. Martinez'
8 firm. I think we had another outside counsel
9 but I don't remember the name of that firm.
10 They were also giving us some attorney/client
11 privileged information on the lawsuit.

10:34:47

10:34:51

10:34:55

10:34:56

10:34:58

10:35:01

12 Q. Would that be Baker Wotring?

10:35:03

13 A. That sounds right but I don't want
14 to swear to it. That sounds right.

10:35:06

10:35:09

15 Q. Other than advice of the attorneys
16 that were hired, did you look at any other
17 sources of information in determining what
18 was meant as far as the length of stay in
19 Padres Balli park?

10:35:19

10:35:25

10:35:27

10:35:31

10:35:33

20 A. Other than what was given to us in
21 Executive Session, which included documents
22 and advice of my counsel, I don't believe I
23 have done any independent research if that's
24 what you're asking.

10:35:34

10:35:40

10:35:43

10:35:46

10:35:48

25 Q. As far as the documents provided

10:35:49

Transcript of Brent Chesney
Conducted on August 19, 2025

1	in the Executive Session, what were those?	10:35:52
2	MR. MARTINEZ: I'm going to object	10:35:55
3	to attorney/client privilege and instruct him	10:35:55
4	not to answer?	10:36:00
5	MR. HAMEL: As to the documents?	10:36:01
6	MR. MARTINEZ: Yes, as to what	10:36:02
7	documents the County Attorney had him review,	10:36:03
8	yes.	10:36:06
9	MR. HAMEL: Okay.	10:36:07
10	Q. If a citizen of Nueces County	10:36:07
11	wanted to know why this lawsuit was filed,	10:36:20
12	why taxpayer dollars were being spent suing	10:36:22
13	my client and the basis for it, how would	10:36:26
14	they go about finding out that information?	10:36:29
15	MR. MARTINEZ: Object to the form	10:36:32
16	of the question.	10:36:32
17	A. How would they -- yeah, I don't	10:36:32
18	understand the question. I'm sorry.	10:36:36
19	Q. (By Mr. Hamel) So you've objected	10:36:37
20	to attorney/client privilege earlier and your	10:36:40
21	attorney has now objected to attorney/client	10:36:43
22	privilege regarding the documents provided to	10:36:46
23	you.	10:36:46
24	So, if I was a citizen of Nueces	10:36:47
25	County and I wanted to know why my taxpayer	10:36:48

Transcript of Brent Chesney
Conducted on August 19, 2025

1 dollars were being spent on this lawsuit and
2 what the basis for it was, are you telling me
3 as a County Court Commissioner I'm simply not
4 entitled to know that information because it
5 is privileged?

10:36:51

10:36:53

10:36:55

10:36:59

10:37:01

6 A. The basis of the lawsuit in all of
7 the pleadings and discovery is at some point
8 going to be public knowledge.

10:37:02

10:37:04

10:37:08

9 We've had conversations regarding
10 I think what the reason is. Your client --
11 and the basis of the lawsuit is because your
12 client told us they were going to sue us so
13 we had to make a decision before we got sued
14 to see if maybe if we filed the Declaratory
15 Judgment and maybe if that came back in way
16 that was advantageous to you or us, that that
17 would resolve it.

10:37:09

10:37:12

10:37:16

10:37:19

10:37:22

10:37:24

10:37:28

10:37:33

10:37:34

18 That was really the intent because
19 we couldn't get your client in the room and
20 we tried. We made a court motion and right
21 after this County Judge was elected there was
22 a unanimous motion to try to sit down with
23 the Jones Family and try to resolve these
24 things but we couldn't get that to happen.

10:37:35

10:37:35

10:37:38

10:37:41

10:37:44

10:37:47

10:37:49

25 We reached out. I reached out to

10:37:49

Transcript of Brent Chesney
Conducted on August 19, 2025

1	Brud myself and he didn't return calls. So,	10:37:52
2	at the end of the day, we just didn't feel	10:37:54
3	like we had any other choice.	10:37:58
4	We were hoping maybe the judgment	10:37:59
5	came back and it went your way we'd agree and	10:38:01
6	if it went our way you'd agree but that was	10:38:04
7	the reason it was filed.	10:38:07
8	I don't know what else -- they can	10:38:08
9	look at the documents that you have, they can	10:38:10
10	look at the deed restrictions, they can look	10:38:12
11	at any of those things because it's out there	10:38:15
12	and, I mean -- so I still don't know if I'm	10:38:17
13	answering your question. I'm trying my best	10:38:21
14	but I don't exactly what you're wanting me to	10:38:23
15	say.	10:38:25
16	Q. What I want you to say is I want	10:38:25
17	you to tell me what y'all looked at that led	10:38:27
18	you to believe you were filing a meritorious	10:38:29
19	lawsuit.	10:38:35
20	MR. MARTINEZ: I'm going to object	10:38:36
21	to the form of that.	
22	A. We felt that based on what we were	10:38:41
23	advised and the documents that we reviewed	10:38:45
24	that we were right and you were incorrect and	10:38:49
25	because we couldn't get in room with you and	10:38:53

Transcript of Brent Chesney
Conducted on August 19, 2025

1	sit down and talk about it with you, it was	10:38:56
2	just lawyer to lawyer, we needed some help	10:38:57
3	from the courts so we filed a Declaratory	10:39:00
4	Judgment to get an opinion.	10:39:04
5	So, yes, it's a lawsuit and I know	10:39:04
6	you like to keep saying we filed it. We did	10:39:07
7	because we couldn't get anywhere and we were	10:39:10
8	constantly being threatened by lawsuits.	10:39:13
9	At some point, you just have to do	10:39:15
10	something to move the ball and that was what	10:39:17
11	we felt like was the best way to move the	10:39:19
12	ball.	10:39:22
13	Q. (By Mr. Hamel) Has anyone other	10:39:22
14	than my client ever threatened Nueces County	10:39:23
15	with a lawsuit since you have been on the	10:39:26
16	Commissioners Court?	10:39:29
17	A. I can tell you no one has been as	10:39:29
18	continuous in their threats for the lawsuit	10:39:31
19	as your client.	10:39:34
20	Has there been others, I cannot	10:39:36
21	think of one right off the top of my head.	10:39:38
22	Probably but no one has been as consistent	10:39:41
23	and as longstanding in threatening us with	10:39:45
24	litigation as your client since I've been	10:39:47
25	here.	10:39:49

Transcript of Brent Chesney
Conducted on August 19, 2025

1	That's my honest answer and I'm	10:39:50
2	sorry. I like your client a lot. He's told	10:39:51
3	me, he has told others, and he has repeatedly	10:39:56
4	said "We're going to court over this if y'all	10:40:00
5	don't fix this" and I have never had anybody	10:40:02
6	threaten me or the County that many times I	10:40:06
7	can recollect and I really like your client a	10:40:09
8	lot.	10:40:11
9	Q. Regarding "fix it," did the County	10:40:11
10	do any kind of feasibility assessment as to	10:40:14
11	whether the deed -- as to whether they could	10:40:17
12	enforce the four day/three night stay limit	10:40:19
13	as Padres Balli?	10:40:22
14	A. Where it started, too, is there	10:40:23
15	were two issues and we fixed the one issue	10:40:26
16	that really bothered your client a lot. That	10:40:29
17	was unauthorized act by a single member of	10:40:32
18	the Court and, once we determined that had	10:40:36
19	happened, we went about fixing it as fast as	10:40:38
20	we could. So that one we fixed.	10:40:41
21	I'm sorry that happened because we	10:40:45
22	didn't authorize it, the Parks Board didn't	10:40:47
23	authorize it and it got down to the overnight	10:40:50
24	camping issue.	10:40:51
25	Feasibility? What does that mean?	10:40:55

Transcript of Brent Chesney
Conducted on August 19, 2025

1	A feasibility on financial feasibility or	10:40:58
2	what?	10:41:01
3	Q. Sure.	10:41:02
4	A. Well, we know what we looked at --	10:41:03
5	when we went through that moratorium where we	10:41:08
6	did that little brief stay, we looked at how	10:41:11
7	much revenue it cost us to do the four day/ 8	10:41:15
8	three night and that was not a feasibility	10:41:18
9	study but we were pretty damaged during that	10:41:24
10	period of time financially.	10:41:25
11	Q. So you looked at revenue records	10:41:25
12	regarding that period of time. That happened	10:41:27
13	sometime in like 2023; is that right, or was	10:41:30
14	it before that?	10:41:32
15	A. Sorry, I don't remember. I just	10:41:32
16	remember doing it but I don't remember the	10:41:34
17	days.	10:41:36
18	Q. Would it have been between 2020	10:41:37
19	and 2025?	10:41:40
20	A. I would have to probably say yes.	10:41:41
21	Again, I don't remember the exact dates. I	10:41:44
22	just remember it happened and we tried to do	10:41:46
23	it to find some peaceful solution.	10:41:49
24	Q. The reason I'm asking is we have	10:41:53
25	requested documents of that nature; revenue,	10:41:56

Transcript of Brent Chesney
Conducted on August 19, 2025

1 things like that. None of that has ever been
2 produced so we haven't had an opportunity to
3 look at any of the things that you did as far
4 as revenue or how it may be damaged.

10:41:59

10:42:01

10:42:02

10:42:05

5 Obviously, you weren't involved --
6 you haven't been involved in the process of
7 gathering the documents responsive to the
8 discovery requests in this case, have you?

10:42:07

10:42:09

10:42:11

10:42:16

9 A. No. The review we were given was
10 verbal by the Parks Board Director. I don't
11 remember to be honest looking at a specific
12 document. He just gave us an overview of the
13 differences and what went on financially.

10:42:16

10:42:19

10:42:23

10:42:24

10:42:26

14 So I would assume he has those but
15 I don't have anything to do with any of those
16 documents. I don't look at the calendars but
17 the Parks Board and the Executive Director
18 really runs that.

10:42:28

10:42:31

10:42:33

10:42:35

10:42:38

19 I'm kind of the funding arm. If
20 they have projects that they want to do and
21 that I like to do, then I try to go find the
22 funds to do the projects they need to do and
23 support them in their efforts.

10:42:39

10:42:41

10:42:44

10:42:48

10:42:51

24 Q. Okay. You said "the Parks Board
25 Director." That was Scott Cross; right?

10:42:53

10:42:55

Transcript of Brent Chesney
Conducted on August 19, 2025

1	A. He's the Executive Director or	10:42:58
2	he's the Parks Director. I would assume so.	10:43:00
3	Q. I was asking, when you said "That	10:43:01
4	was something that was presented to us," that	10:43:02
5	would be Scott Cross; right?	10:43:04
6	A. Yes. Verbally, yes. I'm sorry, I	10:43:06
7	didn't understand your question.	10:43:08
8	Q. You talked about the unauthorized	10:43:10
9	acts and mitigating some stuff we will get	10:43:13
10	into that but I still want to talk about the	10:43:15
11	camping issue here for a second.	10:43:18
12	You said it is two weeks. So does	10:43:21
13	that mean, if someone is staying in Padres	10:43:23
14	Balli for more than two weeks, the County is	10:43:25
15	violating the deed restrictions?	10:43:28
16	A. No, because the deed restriction	10:43:29
17	is public use. The deed restriction talks	10:43:30
18	about that it can't be used for anything but	10:43:33
19	public use and we have done nothing ever but	10:43:36
20	public use. In fact, that's one of the most	10:43:39
21	publically used pieces of property that I	10:43:41
22	know of anywhere because of all the things	10:43:44
23	we've done to enhance that park.	10:43:47
24	I think if someone violated the	10:43:49
25	overnight camping that might be an injunctive	10:43:51

Transcript of Brent Chesney
Conducted on August 19, 2025

1	or another form of damage but I don't think	10:43:55
2	the violates the deed restrictions to make a	10:43:57
3	reverter clause kick in in any way, shape or	10:44:01
4	form.	10:44:03
5	Q. In your mind is there any length	10:44:04
6	of stay that is so long that it would start	10:44:07
7	reaching into private use of the park?	10:44:13
8	A. Man, you're asking for my legal --	10:44:15
9	I don't know. That's why we went and got a	10:44:18
10	Declaratory Judgment. We were trying to get	10:44:21
11	some direction because we have such a differ-	10:44:24
12	ence of opinion on this that we were just	10:44:25
13	trying to get some legal help on it because	10:44:26
14	we felt strongly that two weeks was okay and	10:44:29
15	y'all felt strongly two weeks wasn't and that	10:44:32
16	really was all we discussed was the two weeks	10:44:34
17	in my mind.	10:44:37
18	Q. Okay. My question was and little	10:44:37
19	different than what you said regarding public	10:44:41
20	use. My question was: If someone is staying	10:44:43
21	at Padres Balli for more than two weeks, then	10:44:45
22	that means that the County is violating the	10:44:49
23	deed restrictions; right?	10:44:51
24	A. No, that's not what I said. I	10:44:52
25	said the deed restriction is -- the violation	10:44:54

Transcript of Brent Chesney
Conducted on August 19, 2025

1	of the deed restriction would be if it wasn't	10:44:56
2	for public use.	10:44:57
3	If we built condos or if we did	10:44:58
4	something to privatize it, then that would	10:45:00
5	be a violation of the deed restriction in my	10:45:02
6	opinion.	10:45:04
7	You're asking so that's my answer	10:45:04
8	but my opinion is just my opinion. Just like	10:45:06
9	any other County Commissioner's opinion, it	10:45:08
10	doesn't really matter; but that's mine.	10:45:11
11	Q. I'm going to pull up what I'll be	10:45:13
12	marking as Exhibit 2 to your deposition and	10:45:16
13	I'm going to share my screen for Exhibit 2 to	10:46:17
14	your deposition, which is the deed whereby	10:46:20
15	Nueces County was granted the land that is	10:46:24
16	now referred to Padres Balli Park.	10:46:26
17	(Defendant's Exhibit Number 2 was	
18	marked for identification.)	10:46:37
19	A. Okay.	10:46:37
20	Q. Do you see that?	10:46:37
21	A. Yes, sir.	10:46:38
22	Q. Have you ever looked at the deed	10:46:38
23	before?	10:46:40
24	A. A long time ago, yes.	10:46:40
25	Q. Presumably the deed is something	10:46:44

Transcript of Brent Chesney
Conducted on August 19, 2025

1	y'all would've looked before voting to file	10:46:48
2	this lawsuit; right?	10:46:51
3	A. I don't know if I'm supposed to	10:46:52
4	answer it but I'm just going to answer and	10:46:55
5	say yes.	10:46:56
6	Q. I'm going to be talking about this	10:46:57
7	provision here that says number 3. So let me	10:47:01
8	know if I slowly read this incorrectly. "The	10:47:06
9	Grantee agrees to prohibit extended overnight	10:47:09
10	camping on the above described premises."	10:47:12
11	Did I read that correctly?	10:47:14
12	A. You did and I'm assuming that this	10:47:15
13	is the deed for the property because you're	10:47:17
14	showing me a partial but I'm assuming that's	10:47:19
15	what this is and you did read that properly.	10:47:22
16	Q. You understand the grantee would	10:47:25
17	have been Nueces County, Texas; right?	10:47:26
18	A. Yes.	10:47:28
19	Q. So my specific question a couple	10:47:29
20	questions ago was: If based on your under-	10:47:34
21	standing and belief the length of stay limit	10:47:37
22	that's meant to prohibited is two weeks? My	10:47:40
23	question now is: If someone is staying for	10:47:44
24	longer than two weeks, is that a violation of	10:47:46
25	the deed restrictions and you said "No;" is	10:47:48

Transcript of Brent Chesney
Conducted on August 19, 2025

1	that fair?	10:47:50
2	MR. MARTINEZ: Object to the form	10:47:51
3	of the question.	10:47:52
4	A. I said that it didn't kick in the	10:47:52
5	reverter clause. So I don't think it's a	10:47:55
6	prohibition that kicks the reverter clause.	10:47:58
7	What I said was it might be some-	10:48:02
8	thing that -- if we did violate it, it might	10:48:03
9	be something -- there might be some damages	10:48:08
10	like monetary or injunctive, like "Don't do	10:48:09
11	it again" but I don't believe it violates the	10:48:12
12	restrictions to kick in the reverter clause.	10:48:16
13	Q. (By Mr. Hamel) My question is a	10:48:19
14	little bit different. I'm not talking about	10:48:19
15	the reverter clause.	10:48:20
16	Specifically regarding the deed	10:48:21
17	restrictions, if someone is camping in Padres	10:48:22
18	Balli for more than two weeks, does that mean	10:48:29
19	Nueces County is violating this restriction	10:48:32
20	in the deed?	10:48:33
21	MR. MARTINEZ: Object to the form	10:48:34
22	of the question.	10:48:34
23	A. Again, I don't know what "extended	10:48:34
24	overnight camping" is defined as. If someone	10:48:35
25	-- if you want me to answer if we've agreed	10:48:38

Transcript of Brent Chesney
Conducted on August 19, 2025

1 to prohibit extended overnight camping and if
2 we didn't prohibit extended overnight camping
3 whatever the definition is that would be some
4 sort of violation.

10:48:43

10:48:46

10:48:50

10:48:54

5 That's about the best I can answer
6 that. I don't know if it would be classified
7 as a deed restriction or just a violation of
8 something. I'm not sure.

10:48:55

10:48:57

10:49:00

10:49:03

9 I'm trying to answer I promise but
10 I don't know.

10:49:05

10:49:08

11 Q. (By Mr. Hamel) You understand one
12 of the allegations in the lawsuit in addition
13 to seeking a Declaration regarding what is
14 meant by the term "prohibit extended over-
15 night camping," regardless of what that term
16 means, that Nueces County has not violated
17 that provision. Do you understand that?

10:49:08

10:49:09

10:49:11

10:49:15

10:49:17

10:49:20

10:49:22

18 MR. MARTINEZ: Object to the form
19 of the question.

10:49:24

20 A. Can you ask that again? I lost
21 you for a minute.

10:49:24

10:49:28

22 Q. (By Mr. Hamel) You understand that
23 in addition to seeking a Declaration regard-
24 ing what's meant by the term "extended over-
25 night camping," another allegation Nueces

10:49:29

10:49:30

10:49:36

10:49:38

Transcript of Brent Chesney
Conducted on August 19, 2025

1	County has raised in its petition is that it	10:49:41
2	has not violated any deed restriction.	10:49:41
3	Do you understand that?	10:49:43
4	A. I have not read that petition, I'm	10:49:44
5	sorry. So I can't really answer that without	10:49:49
6	looking at that petition. I've not read it.	10:49:51
7	Q. You haven't read the lawsuit?	10:49:53
8	A. No, I have not actually. All I	10:49:55
9	know is that we asked to get a definition of	10:49:58
10	"extended overnight camping" from the Court;	10:50:02
11	but no, I don't read -- we have so many -- I	10:50:07
12	don't read the legal documents. I don't act	10:50:12
13	as a lawyer on the Commissioners Court and I	10:50:16
14	have not read that petition.	10:50:18
15	Q. I'm going to go all the way back	10:50:19
16	to the beginning. Did you look at anything	10:50:20
17	or speak to anyone other than your attorney	10:50:23
18	in order to prepare for the deposition today?	10:50:25
19	(Defendant's Exhibit Number 3 was	
20	marked for identification.)	10:50:28
21	A. No.	10:50:28
22	Q. Have you been provided with or	10:50:29
23	otherwise reviewed any discovery documents	10:50:32
24	produced regarding photos, calendars, things	10:50:36
25	of that nature pertaining to the length of	10:50:41

Transcript of Brent Chesney
Conducted on August 19, 2025

1	stay that people are staying in Padres Balli	10:50:42
2	Park?	10:50:44
3	A. No, sir.	10:50:44
4	Q. What does the word "prohibit" mean	10:50:45
5	to you?	10:50:50
6	A. Don't do it.	10:50:50
7	Q. Okay. Would that be "prohibited"	10:50:53
8	or "prohibit"?	10:50:55
9	A. I'm sorry?	10:50:56
10	Q. Right. The word "prohibit" to you	10:50:56
11	means don't do it?	10:50:59
12	A. Agrees to. Don't allow it. How	10:51:00
13	about that?	10:51:03
14	Q. That would be perfect.	10:51:03
15	You understand, regardless of what	10:51:05
16	is meant by "extended overnight camping," the	10:51:07
17	restriction puts affirmative duty on Nueces	10:51:09
18	County to prohibit that conduct.	10:51:15
19	Would that be fair to say?	10:51:16
20	A. Yes, that's fair to say.	10:51:17
21	Q. Obviously --	10:51:19
22	A. To the best of my knowledge, we've	10:51:20
23	done that.	10:51:23
24	Q. Sorry, one more time.	10:51:23
25	A. To the best of my knowledge, we've	

Transcript of Brent Chesney
Conducted on August 19, 2025

1 done that.

2 Q. Your knowledge is based on what? 10:51:23

3 A. What I'm told by the Parks Board 10:51:25
4 staff. 10:51:28

5 Q. I actually took Mr. Cross' deposi- 10:51:28
6 tion last week I guess. It seems like a lot 10:51:33
7 longer than that. One of the things he told 10:51:36
8 me was he was never actually asked to look at 10:51:38
9 any reservation records or anything of that 10:51:41
10 nature prior to you guys filing this lawsuit. 10:51:44

11 Were you aware of that? 10:51:46

12 A. I'm not aware of what he was or 10:51:47
13 was not asked, no. 10:51:51

14 Q. Did you review any camping reserv- 10:51:52
15 ation records to determine whether anyone had 10:51:55
16 been staying in Padres Balli for more than 10:51:58
17 the two weeks that the Commissioners Court 10:52:00
18 believes is the length of stay allowed prior 10:52:03
19 to voting to file this lawsuit? 10:52:06

20 MR. MARTINEZ: Object to the form 10:52:07
21 of the question. 10:52:08

22 A. I think what you asked was did I 10:52:08
23 look at any camping records. No, I've never 10:52:13
24 looked at any camping records, no. 10:52:16

25 Q. (By Mr. Hamel) Did you ask Scott 10:52:18

Transcript of Brent Chesney
Conducted on August 19, 2025

1	Cross to verify whether anyone had been stay-	10:52:21
2	ing at Padres Balli for more than two weeks	10:52:24
3	prior to filing the lawsuit alleging Nueces	10:52:26
4	County had not violated any deed restriction?	10:52:30
5	A. Not that I can recollect because	10:52:32
6	our attorneys would be handling that. That	10:52:35
7	would be -- that wouldn't be in the course of	10:52:37
8	my -- like I don't do investigations. That's	10:52:41
9	not what we do.	10:52:44
10	Q. You did vote to initiate the law-	10:52:44
11	suit; right?	10:52:47
12	A. Yes, sir.	10:52:47
13	Q. Do you feel you have any responsi-	10:52:48
14	bility to inform yourself as to whether the	10:52:51
15	allegations in a lawsuit that you are voting	10:52:54
16	to have the County file against a private	10:52:56
17	citizen are true prior to the lawsuit being	10:53:00
18	filed?	10:53:02
19	MR. MARTINEZ: Object to the form	10:53:02
20	of the question.	10:53:02
21	A. Yes; and, again, I'm just going to	10:53:02
22	remind you this was a Declaratory Judgment	10:53:04
23	and we requested a definition. That was the	10:53:07
24	only thing we authorized the County Attorney	10:53:10
25	to do and we were very well advised on why we	10:53:13

Transcript of Brent Chesney
Conducted on August 19, 2025

1	should ask a judge to give us definition.	10:53:20
2	So, again, we didn't go after him	10:53:23
3	for anything other than trying to find out	10:53:26
4	what the definition of something was and we	10:53:29
5	were very well informed on why we should do	10:53:32
6	that. I've kind of articulated throughout my	10:53:35
7	deposition as to why we did it. That's why	10:53:39
8	we did it.	
9	Again, it's a lawsuit and you're	10:53:43
10	making a big deal out of the lawsuit language	10:53:45
11	and I get it but it's not a typical lawsuit	10:53:47
12	and you know that. You're a lawyer. It's a	10:53:49
13	Declaratory Judgment to try to give us some	10:53:53
14	guidance on where we should go from there.	10:53:54
15	Then you filed the real aggressive	10:53:55
16	lawsuit, not us. We were just looking for	10:53:58
17	answers. You filed a lawsuit, you're trying	10:53:59
18	to take -- your client is trying to take the	10:54:01
19	land away. That's the real aggressive thing	10:54:03
20	that's going on. We were just trying get an	10:54:06
21	answer as to what "extended camping" was.	10:54:09
22	Q. Got it.	10:54:12
23	A. We were very well informed on why	10:54:14
24	we filed it because we felt like we had to do	10:54:16
25	something before you sued us, which you did.	10:54:19

Transcript of Brent Chesney
Conducted on August 19, 2025

1	Q.	Let me break down a bunch of stuff	10:54:21
2		there regarding the counterclaim and all that	10:54:25
3		stuff. Regardless of who is correct in terms	10:54:28
4		of whether it's a 14-day stay or a four day/	10:54:31
5		three night stay, Nueces County is obligated	10:54:34
6		to follow the deed restrictions; right?	10:54:37
7	A.	Yes, sir, and we have to my know-	10:54:40
8		ledge.	10:54:43
9	Q.	To the best of your knowledge?	10:54:43
10	A.	Correct.	10:54:46
11	Q.	The best of your knowledge was not	10:54:46
12		based on any information that you reviewed,	10:54:48
13		it wasn't based on any information that you	10:54:50
14		asked Scott Cross to gather.	10:54:52
15		So what was it based on?	10:54:57
16	A.	It was based on the information	10:54:57
17		that was provided to us.	10:54:58
18	Q.	By who?	10:54:59
19	A.	Again, attorney/client privilege.	10:55:00
20		What we were provided in Executive Session	10:55:03
21		was what we based our decision on. I mean,	10:55:05
22		I've answered that repeatedly the same way	10:55:08
23		and the same time.	10:55:13
24		You can ask it any way you want	10:55:13
25		and I'm happy to keep answering it but we	10:55:17

Transcript of Brent Chesney
Conducted on August 19, 2025

1	were presented in Executive Session why we	10:55:18
2	needed to file a Declaratory Judgment on the	10:55:21
3	"extended stay" definition only and that was	10:55:24
4	what we were trying to get, just an answer on	10:55:29
5	what the definition of it was.	10:55:32
6	So that's not a big legal analysis	10:55:36
7	when you're being given information to say	10:55:38
8	"Do you want us to go ask the Court or not?"	10:55:41
9	That's what we did.	10:55:45
10	Q. Great. If people are staying in	10:55:46
11	Padres Balli for more than two weeks, is that	10:55:50
12	something that needs to stop?	10:55:51
13	MR. MARTINEZ: Object to the form	
14	of the question.	
15	A. I'm sorry, say that again.	10:55:54
16	Q. (By Mr. Hamel) If people are camp-	10:55:54
17	not in Padres Balli Park for more than two	10:55:55
18	weeks, is that something that needs to be	10:55:58
19	prohibited by the County?	10:56:00
20	MR. MARTINEZ: Object to the form	10:56:02
21	of the question.	10:56:02
22	A. If that's what the Declaratory	10:56:02
23	Judgment renders, then that's why we filed	10:56:05
24	it. We wanted a clear legal definition so we	10:56:08
25	knew going forward this is what we need to	10:56:12

Transcript of Brent Chesney
Conducted on August 19, 2025

1	follow.	10:56:16
2	If the Court says it's 14 days, we	10:56:16
3	follow. Whatever the final court is. If we	10:56:19
4	win and you appeal or you win and we appeal,	10:56:23
5	whatever the final judgment is, we're going	10:56:25
6	to live with the final judgment is. Whatever	10:56:27
7	that is, that's what we're going to do.	10:56:29
8	Q. (By Mr. Hamel) Got it.	10:56:32
9	A. We just have been doing this for a	10:56:32
10	while and we really want some clarity on what	10:56:36
11	we need to do and we're not getting an agree-	10:56:38
12	ment with your client so we're just trying to	10:56:43
13	get clarity from the Court on what we should	10:56:45
14	do and we'll do it.	10:56:47
15	Q. To be fair, you're not trying to	10:56:47
16	get clarity from the Court.	10:56:49
17	A. Yes, we are.	
18	Q. You're asking the Court to agree	10:56:51
19	with you that it's two weeks.	10:56:52
20	A. No. We're asking the Court to	10:56:54
21	give us a definition.	10:56:56
22	Q. Basically, what you're telling me	10:56:57
23	is Nueces County has no understanding of what	10:57:00
24	is meant by "extended overnight camping"?	10:57:02
25	A. No, that's not what I'm telling	10:57:05

Transcript of Brent Chesney
Conducted on August 19, 2025

1	you. I've told you repeatedly again --	10:57:05
2	Q. I'm just confused, Mr. Chesney.	10:57:07
3	A. No, you're not confused. I told	10:57:09
4	you clearly we think it's two weeks and y'all	10:57:11
5	think it's four days and three nights. That	10:57:14
6	is the issue we've had.	10:57:19
7	Let me finish. I didn't cut you	
8	off.	
9	That's the issue that we have and	10:57:20
10	that's the dispute. That's the bulk of this	10:57:20
11	whole thing. You think it is should be four	10:57:23
12	days/three nights and we think it should be	10:57:26
13	two weeks or whatever the Court says.	10:57:28
14	So we went to Court and we asked	10:57:30
15	the Court -- we said "This is our position,	10:57:31
16	we believe it should be two weeks." We knew	10:57:33
17	you were going to answer and you were going	10:57:36
18	to give you position. That's what a Court	10:57:38
19	decides, is a dispute. We have a dispute.	10:57:40
20	It's an honest dispute. Sometimes you can't	10:57:42
21	resolve disputes. Sometimes you have to go	10:57:46
22	to court and that's okay. It's not offensive	10:57:47
23	or horrible. It's just sometimes what you	10:57:50
24	have to do.	10:57:53
25	Reasonable minds will differ so	10:57:53

Transcript of Brent Chesney
Conducted on August 19, 2025

1	you present your side, we present our side,	10:57:55
2	and the Court will decide. That's what we	10:57:58
3	were willing to live with and are happy to	10:58:01
4	live with once and for all.	10:58:04
5	Q. You understand what the Court is	10:58:05
6	being asked to decide is what the intention	10:58:07
7	is of the drafters of that deed that deeded	10:58:09
8	the land for the Padres Balli Park to Nueces	10:58:12
9	County; right?	10:58:14
10	MR. MARTINEZ: Object to the form	10:58:15
11	of the question.	10:58:16
12	A. What were asking the Court was to	10:58:16
13	tell us the definition -- my understanding is	10:58:19
14	what we were asking the Court was to define	10:58:21
15	what "extended stay" is defined as. That's	10:58:23
16	what we were asking. That's what my under-	10:58:27
17	standing of the question to the Court is.	10:58:30
18	Q. (By Mr. Hamel) Do you have any	10:58:33
19	evidence that the intent of the drafters of	10:58:35
20	this deed meant any term over two weeks when	10:58:39
21	they set a prohibition of extended overnight	10:58:44
22	camping?	10:58:49
23	MR. MARTINEZ: Object to the form	10:58:50
24	of the question.	10:58:50
25	A. I don't have any evidence of what	10:58:50

Transcript of Brent Chesney
Conducted on August 19, 2025

1	they intended other than the words "extended	10:58:52
2	stay." "Extended stay" by federal definition	10:58:58
3	is two weeks, is what we have been told; and	10:59:01
4	that's what we're basing ours on and for the	10:59:03
5	most part what we've been doing as a matter	10:59:07
6	of practice for the length of time I've been	10:59:11
7	on the Court.	
8	So, if that's wrong and the Court	10:59:14
9	tells us it's wrong, then we'll deal it with	10:59:16
10	and correct it. If the Court tells us it's	10:59:20
11	right, then hopefully that will put it to	10:59:22
12	rest but I don't know that it will.	10:59:25
13	Q. (By Mr. Hamel) Hopefully that will	10:59:26
14	put it to rest if -- let me ask you this. So	10:59:27
15	let's say that the Court agrees with you and	10:59:28
16	says two weeks, you know, will that actually	10:59:31
17	be final or will 40 years from now a new Com-	10:59:34
18	missioners Court be authorized in a lawsuit	10:59:40
19	to say "Actually, no, based on the federal	10:59:40
20	definition that actually means three months	10:59:42
21	now"?	10:59:45
22	MR. MARTINEZ: Object to the form	10:59:46
23	of the question.	10:59:46
24	A. You're asking me to speculate on a	10:59:46
25	Commissioners Court 40 years from now? How	10:59:51

Transcript of Brent Chesney
Conducted on August 19, 2025

1	am I supposed to know. I don't know what	10:59:52
2	anybody is going to do.	
3	I'm going to tell you, if they	10:59:52
4	tell me, Brent Chesney, because I'm the one	10:59:54
5	you're deposing, I can tell you I'm not going	10:59:56
6	to mess with it anymore but you have to ask	10:59:58
7	everyone else on the Court.	11:00:01
8	You can't ask me to speculate 40	11:00:04
9	years down the road. That's like asking me	11:00:06
10	to speculate on what happened 40 years ago	11:00:08
11	with King, the County Attorney. There's no	11:00:11
12	way either one of us know. Your guy doesn't	11:00:12
13	know and we don't know.	11:00:16
14	Q. (By Mr. Hamel) There has to be	11:00:17
15	some kind of binding effect from the prior	11:00:19
16	Commissioners Courts on the actions of Nueces	11:00:22
17	County; right? I mean, people should be able	11:00:23
18	to take Nueces County at their word if they	11:00:24
19	say something; right?	11:00:27
20	A. Yeah, there has to be some kind of	11:00:28
21	binding effect but that's what agreements are	11:00:31
22	for, that's what judgements are for. They're	11:00:34
23	binding until they're not.	11:00:34
24	I can't predict what Commissioners	11:00:36
25	Court is going to do down the road on some-	11:00:42

Transcript of Brent Chesney
Conducted on August 19, 2025

1	thing. I can tell you if you the judge comes	11:00:43
2	back and says -- it is what it is; right?	11:00:46
3	Unless we feel like it's a faulty ruling just	11:00:48
4	like if you felt like it was a faulty ruling	11:00:50
5	you might appeal and we might appeal.	11:00:54
6	Whatever the final judgment is, I	11:00:55
7	am done with it, that's what I'm telling you;	11:00:57
8	me, Brent Chesney. I can't speak for anybody	11:01:00
9	on else on this Court, anybody who's been on	11:01:04
10	this Court, or anybody who is going to be on	11:01:05
11	this Court. All I can tell you is my opinion	11:01:07
12	of what I think.	11:01:10
13	Q. And I'm asking you, Brent Chesney,	11:01:10
14	your opinion. Do you think it's important to	11:01:13
15	have consistency amongst different Commis-	11:01:16
16	sioners Courts in order for people to be able	11:01:21
17	to take Nueces County at their word when they	11:01:24
18	say that they're going to do something in an	11:01:27
19	agreement or contract or subject to a judge-	11:01:29
20	ment or a deed restriction?	11:01:30
21	MR. MARTINEZ: Object to the form	11:01:32
22	of the question.	11:01:32
23	A. I think it's absolutely important	11:01:32
24	to do what the deed restriction says -- you	11:01:37
25	said a multiple there, I'm trying answer one	11:01:42

Transcript of Brent Chesney
Conducted on August 19, 2025

1 at a time -- and I think Nueces County has in
2 this instance. Yes, I think they have, to my
3 recollection, to my knowledge. The knowledge
4 I have is that we've done what we were sup-
5 posed to do.

11:01:45

11:01:49

11:01:53

11:01:55

11:01:58

6 Q. (By Mr. Hamel) I'm going to go
7 through -- let's see here. I'm going to pull
8 up what is Exhibit 4 to your deposition.

11:01:58

11:02:03

11:02:29

9 Can you see that?

11:02:50

10 (Defendant's Exhibit Number 4 was
11 marked for identification.)

11:02:51

12 A. Yes, I can see that.

11:02:51

13 Q. I'll represent to you -- and John
14 can correct me if I'm wrong -- these are some
15 documents produced to us in response to our
16 request for documents reflecting reservations
17 and length of stay at Padres Balli Park;
18 okay?

11:02:51

11:02:54

11:02:56

11:03:00

11:03:05

11:03:09

19 A. Okay.

11:03:09

20 Q. Obviously you haven't seen these
21 before; right?

11:03:10

11:03:13

22 A. That's correct.

11:03:14

23 Q. You'll note at the top there the
24 very first one has the length of stay of 86
25 nights and that's obviously more than two

11:03:14

11:03:18

11:03:23

Transcript of Brent Chesney
Conducted on August 19, 2025

1	weeks; right?	11:03:25
2	A. Yeah. Again, I don't know what	11:03:25
3	this document is; but, if that's what you're	11:03:28
4	saying, then that's 86 nights I guess.	11:03:31
5	Yeah, I don't know where this came	11:03:35
6	from. I don't know anything about it. I'm	11:03:37
7	sorry.	11:03:39
8	Q. I'm representing to you that this	11:03:39
9	is -- you can see down here the -- you're an	11:03:42
10	attorney. You know what a Bates Label is;	11:03:44
11	right?	
12	A. Yes.	
13	Q. Nueces County Texas 000438, do you	11:03:46
14	see that?	11:03:51
15	A. Yes, sir.	11:03:51
16	Q. Okay. This was produced by Nueces	11:03:51
17	County.	11:03:53
18	A. Okay.	11:03:53
19	Q. Can you think of any reason why	11:03:53
20	Nueces County would send us a bunch of random	11:03:58
21	dates, length of stay, other time periods in	11:04:01
22	response to a discovery request in a lawsuit?	11:04:03
23	MR. MARTINEZ: Object to the form	11:04:06
24	of the question.	11:04:07
25	A. I don't, no, I guess not.	11:04:07

Transcript of Brent Chesney
Conducted on August 19, 2025

1	Q. (By Mr. Hamel) Would it concern	11:04:13
2	you if the Nueces County Attorney was just	11:04:16
3	sending random documents that had no meaning	11:04:18
4	and were gathered from the County in response	11:04:23
5	to a lawsuit?	11:04:23
6	MR. MARTINEZ: Object to the form	11:04:25
7	of the question.	11:04:26
8	A. I don't have any reason to know	11:04:26
9	why anybody would send you a random document	11:04:28
10	if that's what you want me to say. I don't	11:04:31
11	know where you're trying to go with it.	11:04:34
12	Q. (By Mr. Hamel) Perfect. Again,	11:04:36
13	what this document reflects -- and this is	11:04:36
14	a document, a record, that was produced by	11:04:38
15	Nueces County and it shows that someone had	11:04:40
16	a reservation at Padres Balli for a total of	11:04:44
17	86 nights in February of 2022.	11:04:48
18	Do you see that?	11:04:50
19	A. Yes, I see it.	11:04:51
20	Q. Not to guild the lily or belabor	11:04:53
21	the point but 86 nights is a heck of a lot	11:04:58
22	longer than two weeks, is it not?	11:05:00
23	A. It is, yes.	11:05:01
24	Q. So, assuming that the County's own	11:05:02
25	records are correct, then Nueces County would	11:05:05

Transcript of Brent Chesney
Conducted on August 19, 2025

1	be violating the two-week prohibition accord-	11:05:08
2	ing to you required by the deed restrictions?	11:05:12
3	MR. MARTINEZ: Object to the form	11:05:15
4	of the question.	11:05:15
5	A. Yeah. Again, what I said to you	11:05:15
6	is that I don't know what the definition of	11:05:18
7	"extended stay" is. That's why we went to	11:05:21
8	the Court to ask them. I don't know.	11:05:25
9	We have been operating under the	11:05:26
10	thought it was two weeks; two weeks on, you	11:05:28
11	leave a day, you can come back; but I don't	11:05:31
12	know what the definition is exactly. So I	11:05:34
13	don't want to be put into a corner that says	11:05:38
14	it is or it isn't. I don't know what that	11:05:41
15	definition is. That's why we went to Court,	11:05:44
16	to ask that.	11:05:46
17	Is 86 longer than 14? Yes, I can	11:05:47
18	say 86 is definitely longer than 14.	11:05:50
19	Q. (By Mr. Hamel) Okay. I'm a little	11:05:52
20	confused. Nueces County is required under	11:05:53
21	the deed restrictions to affirmatively pro-	11:05:56
22	hibit extended overnight camping; right?	11:05:59
23	A. Yes, sir.	11:06:02
24	Q. So how is it possible for Nueces	11:06:02
25	County to do that if what you're telling me	11:06:05

Transcript of Brent Chesney
Conducted on August 19, 2025

1 is nobody knows what that means so they just
2 haven't been prohibiting anything?

3 A. No. You definitely are confused
4 so let me Try again. We've been operating
5 under the 14 day but we don't know that that
6 is definitively the right answer but we think
7 it is.

8 That's what we've been operating
9 under. So we went to the Court to say "This
10 is what we think it is but Court you tell us
11 what it is."

12 Q. But what these records actually
13 reflect is no, Nueces County has not been
14 operating under the 14 days; otherwise, how
15 could someone be staying in the park for 86
16 nights?

17 MR. MARTINEZ: Object to the form
18 of the question.

19 A. Is that a question?

20 Q. (By Mr. Hamel) Yes.

21 A. Assuming that that's right, then
22 that's not 14 days, I would concur. There's
23 one, two, three, four instances in all of the
24 discovery you have that indicates over 14?
25 Because the rest of these all the way down

11:06:09

11:06:12

11:06:14

11:06:17

11:06:20

11:06:23

11:06:26

11:06:26

11:06:28

11:06:29

11:06:32

11:06:33

11:06:35

11:06:38

11:06:40

11:06:43

11:06:44

11:06:45

11:06:45

11:06:47

11:06:50

11:06:56

11:06:57

11:07:00

Transcript of Brent Chesney
Conducted on August 19, 2025

1	are 14.	11:07:02
2	Q. You'll note this is 2022 to 2023.	11:07:03
3	The County has not produced -- or the County	11:07:05
4	now has produced additional documents that	11:07:08
5	show stays of 300 days, 180 days, additional	11:07:10
6	numbers like that after we filed a Motion to	11:07:15
7	Compel to get it. I don't need to belabor	11:07:17
8	that point with you.	
9	You said "assuming this is accu-	11:07:20
10	rate." Why would this information -- do you	11:07:21
11	have reason to believe this information is	11:07:23
12	inaccurate?	11:07:25
13	MR. MARTINEZ: Object to the form	11:07:26
14	of the question.	11:07:26
15	A. I have no reason to believe or	11:07:26
16	disbelieve because I didn't have anything to	11:07:28
17	do with the document. I don't have firsthand	11:07:30
18	knowledge of this document and where it came	11:07:34
19	from or anything else.	11:07:35
20	I don't have a reason to believe	11:07:37
21	or disbelieve. I can't validate this docu-	11:07:38
22	ment. That's what I'm saying.	11:07:42
23	Q. (By Mr. Hamel) I gotcha. I'm not	11:07:42
24	asking you to validate it.	11:07:44
25	Would it concern you if reserva-	11:07:44

Transcript of Brent Chesney
Conducted on August 19, 2025

1	tion records for stays at Padres Balli Park	11:07:47
2	were inaccurate?	11:07:49
3	A. Would it concern me?	11:07:51
4	Q. Yes.	11:07:58
5	A. It wouldn't -- it's not high on my	11:07:58
6	list of -- they need to keep accurate records	11:08:00
7	but, I mean, concern me? That's a big word.	11:08:03
8	They need to keep accurate records. So I'll	11:08:07
9	answer it like that.	11:08:09
10	Q. You said one of the things that	11:08:10
11	y'all looked was there was at drop in revenue	11:08:12
12	during that period where you went down to the	11:08:15
13	four day/three night stay.	11:08:19
14	Did I hear that correctly?	11:08:21
15	A. Yes, that was reported to us.	11:08:21
16	Q. If the records that are being kept	11:08:23
17	are inaccurate, how can Commissioners Court	11:08:25
18	have any understanding of how much revenue is	11:08:27
19	actually being brought in regarding camping	11:08:29
20	stays and reservations?	11:08:32
21	MR. MARTINEZ: Object to the form	11:08:34
22	of the question.	11:08:34
23	A. I didn't say they were inaccurate.	11:08:34
24	MR. HAMEL: What's the basis of	11:08:36
25	the objection?	

Transcript of Brent Chesney
Conducted on August 19, 2025

1	MR. MARTINEZ: Speculation.	11:08:37
2	A. I didn't say they were inaccurate.	11:08:38
3	I don't know they're accurate or inaccurate	11:08:40
4	because the Board reviews those records and	11:08:43
5	the staff reviews those records and auditors	11:08:46
6	reviews those records.	11:08:49
7	I don't -- I've never seen these	11:08:51
8	records. You're asking me to validate it by	11:08:55
9	your question. You're not asking me directly	11:08:59
10	to but you're asking me to validate this doc-	11:09:01
11	ument which I have no firsthand knowledge of.	11:09:02
12	Q. (By Mr. Hamel) What I'm actually	11:09:04
13	asking is: As a member of the Commissioners	11:09:05
14	Court who handles budgeting and things of	11:09:07
15	that nature for Nueces County, would it con-	11:09:09
16	cern you if accurate records of reservations	11:09:11
17	and the revenue brought in from those were	11:09:14
18	not being kept?	11:09:17
19	A. If accurate revenue was not being	11:09:18
20	kept, that would concern me.	11:09:21
21	Q. Right; because, if you don't know	11:09:22
22	how much money is supposed to coming in, how	11:09:24
23	do you know someone is not siphoning it off	11:09:27
24	or doing something like that; fair?	11:09:31
25	A. I don't want to imply anyone is	11:09:31

Transcript of Brent Chesney
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1	siphoning it off. I think accurate revenue	11:09:35
2	should be kept on anything and everything.	11:09:39
3	Q. Right. Otherwise, how could you	11:09:41
4	possible audit it? Would that be fair?	11:09:44
5	A. I'm not an auditor but that sounds	11:09:50
6	reasonable.	11:09:54
7	Q. But Nueces County has an auditor;	11:09:54
8	right?	11:09:57
9	A. We do and that's their job as an	11:09:58
10	independent from the Commissioners Court that	11:09:59
11	we have nothing to do with because we have no	11:10:00
12	oversight over the County Auditor.	11:10:01
13	Q. The Commissioners Court has no	11:10:03
14	oversight over the County Auditor?	11:10:04
15	A. Zero. They report to the Board of	11:10:06
16	Judges. That's a statutory deal as well. We	11:10:10
17	don't hire or fire. It's an independent au-	11:10:10
18	ditor for reasons you can understand. It's a	11:10:14
19	checks and balances. They're independent so	11:10:16
20	the Commissioner can't influence them to do	11:10:19
21	something the wrong way so we have no over-	11:10:20
22	sight over the County Auditor.	11:10:24
23	Q. But you do have oversight over the	11:10:25
24	records that are kept that are provided to	11:10:28
25	the auditor?	

Transcript of Brent Chesney
Conducted on August 19, 2025

1	MR. MARTINEZ: Object to the form	11:10:30
2	of the question.	11:10:30
3	A. The Coastal Parks Board has direct	11:10:30
4	oversight, the staff has it, we can certainly	11:10:33
5	direct the Coastal Parks Board to alter -- not	11:10:37
6	alter -- to keep their records better or to	11:10:40
7	direct them that way, yes.	11:10:42
8	Q. (By Mr. Hamel) I'm going to kind	11:10:44
9	of go once again back a little bit.	11:10:45
10	I understand what you're saying	11:10:48
11	about the reverter, that you feel, even if	11:10:49
12	someone is staying in the park for whatever	11:10:52
13	length of time, that's still a public purpose	11:10:54
14	because they're camping; right?	11:10:56
15	A. Yes, sir.	11:10:57
16	Q. At what point does camping become	11:10:57
17	living? What does "camping" mean to you in	11:11:01
18	your mind?	11:11:03
19	A. Well, I mean, people camp for long	11:11:04
20	periods of time. It just means they're out	11:11:10
21	enjoying the place that they're staying.	11:11:13
22	Q. If somebody stays at Padre Balli	11:11:15
23	for 365 days out of a year, are they camping	11:11:17
24	or are they living?	11:11:21
25	A. Well, the answer is it depends.	11:11:22

Transcript of Brent Chesney
Conducted on August 19, 2025

1	Are they parking their camper there and going	11:11:24
2	back and forth to their primary residence?	11:11:27
3	Are they -- I don't know. You'd have to --	11:11:30
4	I'd have to know a specific circumstance. I	11:11:32
5	mean, did they -- are they still there? If	11:11:36
6	they are not still there, then they are not	11:11:38
7	living there. They were -- so I don't know.	11:11:40
8	You're asking me hypotheticals and I don't	11:11:41
9	see a 365-day number on this.	11:11:45
10	You say you have some additional	11:11:47
11	discovery to look at but I don't know exactly	11:11:49
12	what the definition of that would be.	11:11:52
13	Q. Specifically, what I'm asking is	11:11:54
14	-- you said, even if someone went over the	11:11:56
15	two-week period, that that would still be a	11:11:59
16	public use.	11:12:01
17	So is there any length of stay in	11:12:02
18	your mind where just due to the length of the	11:12:03
19	stay it would be transferred from a public	11:12:06
20	use to a private use because that person has	11:12:11
21	been staying there for so long?	11:12:13
22	MR. MARTINEZ: Object to the form	11:12:15
23	of the question.	11:12:15
24	A. Honestly, no. The campground that	11:12:15
25	we have out in Port Aransas, people can stay	11:12:18

Transcript of Brent Chesney
Conducted on August 19, 2025

1	there as long as they want because we don't	11:12:22
2	have any kind of deed restriction out there	11:12:22
3	and people often stay out there for months at	11:12:24
4	a time. So they're not living there and that	11:12:26
5	is still very much public use because those	11:12:29
6	are people that are getting come and enjoy	11:12:31
7	our beach without a deed restriction.	11:12:32
8	So I don't have a number. I don't	11:12:36
9	know what that is number is because we have	11:12:39
10	people that stay fr months at a time. You've	11:12:42
11	got the winter Texans that come for three and	11:12:44
12	four months and they stay in condos at Port	11:12:46
13	Aransas or stay on the beach in Port Aransas.	11:12:47
14	I don't have -- I don't know what	11:12:49
15	that number is but I think that's absolutely	11:12:52
16	public use. This one is different because	11:12:53
17	there's a restriction that has a prohibition	11:12:57
18	which is the basis of why we're asking for a	11:13:02
19	Declaratory Judgment, to find out what the	11:13:05
20	definition is we need to be living by so we	11:13:06
21	can live by it. So, no, public use is not by	11:13:09
22	definition.	11:13:12
23	Public use to me is, if the public	11:13:13
24	has all the access they want to it and they	11:13:16
25	want to stay there forever, that's awesome,	11:13:18

Transcript of Brent Chesney
Conducted on August 19, 2025

1	let them stay there. We just can't do that	11:13:22
2	as easily or readily because of a restriction	11:13:25
3	that we have some obligation to figure out	11:13:26
4	what the deal is on.	11:13:29
5	Q. (By Mr. Hamel) Again, the simple	11:13:30
6	answer to my question is people can stay on	11:13:31
7	public land forever and you still believe	11:13:34
8	that that is public use?	11:13:37
9	MR. MARTINEZ: Object to the form	11:13:38
10	of the question.	11:13:38
11	A. I think people can stay indefin-	11:13:38
12	itely for lengthy periods of time if that's	11:13:42
13	what that is designed to do and not just any	11:13:45
14	public land but a different RV park like we	11:13:48
15	have at Port Aransas, not this one. They can	11:13:52
16	stay there as long as they want as long as	11:13:54
17	they pay for their slip fee and they're the	11:13:56
18	public and they want to use it.	11:13:58
19	It's what public land is supposed	11:14:00
20	to be for, parks and beaches and people ought	11:14:02
21	to be able to go and use them however they	11:14:06
22	want whenever they want. That's what public	11:14:09
23	use and public access is for.	11:14:10
24	Q. (By Mr. Hamel) Okay. If all the	11:14:10
25	reservations are used up because people have	11:14:11

Transcript of Brent Chesney
Conducted on August 19, 2025

1 been staying indefinitely in the park and no
2 one can get a reservation to stay, is that a
3 public use?

11:14:15

11:14:18

11:14:21

4 MR. MARTINEZ: Object to the form
5 of the question.

11:14:22

11:14:22

6 A. Of course it's a public use. It's
7 public use if everybody gets the opportunity
8 to use it if they want to use that one but
9 that's not the case in this park because we
10 can't let people stay there any length of
11 time.

11:14:22

11:14:25

11:14:28

11:14:29

11:14:32

11:14:34

12 You know what, if someone wants to
13 reserve a space at Port Aransas for as long
14 -- we don't have any restriction on that. If
15 you want to come down here and lease a space
16 in Port Aransas RV park for a year, we will
17 gladly take your money, happily thank you for
18 being there, and we hope you have a wonderful
19 stay at our public beach.

11:14:35

11:14:36

11:14:40

11:14:42

11:14:46

11:14:47

11:14:50

11:14:54

20 So I'm all for people using public
21 land how they want to use it as long as they
22 are not hurting anybody.

11:14:56

11:14:59

11:15:01

23 Q. Now I'm going to pull up what I'm
24 marking as Exhibit 5 to your deposition and
25 then we can take a break.

11:15:03

11:15:06

11:15:11

Transcript of Brent Chesney
Conducted on August 19, 2025

1	I'm showing you Exhibit 5. Do you	11:15:27
2	see that?	11:15:33
3	(Defendant's Exhibit Number 5 was	
4	marked for identification.)	11:15:34
5	A. Yeah. If you could blow it up a	11:15:34
6	little bit, that would be great.	11:15:37
7	Q. This says: "Nueces County Beach	11:15:46
8	Management Plan as adopted by the Nueces	11:15:50
9	County Commissioners Court on July 14, 2010."	11:15:54
10	Do you see that?	11:15:56
11	A. Yes, sir.	11:15:56
12	Q. Nueces County Commissioners Court	11:15:56
13	would be the body that you serve on right	11:15:57
14	now; fair?	11:15:59
15	A. Yes, sir.	11:16:00
16	Q. And is the Beach Management Plan	11:16:00
17	something that y'all would adopt?	11:16:03
18	A. Yes, sir.	11:16:05
19	Q. I'm going to go down here to "G,	11:16:05
20	Camping," number 3, and you let me know if I	11:16:11
21	read this correctly.	11:16:14
22	"No person shall camp on any pub-	11:16:16
23	lic beach for a period greater than 14 days.	11:16:19
24	'Camp' means to use for habitation any tent,	11:16:23
25	lean-to, sleeping bag, blanket, automobile,	11:16:26

Transcript of Brent Chesney
Conducted on August 19, 2025

1	trailer, camper or other means of shelter."	11:16:29
2	Then above that it says: "It is the further	11:16:32
3	finding of the Commissioners Court that camp-	
4	ing on the beach or in the dune areas for a	11:16:36
5	period greater than 14 days significantly re-	11:16:38
6	stricts the right of the public at large to	11:16:41
7	access and use of the public beach."	11:16:43
8	Did I read that correctly?	11:16:45
9	A. Yes, sir.	11:16:47
10	Q. So your opinion is that anyone can	11:16:47
11	stay for an indefinite or infinite amount of	11:16:49
12	time and that doesn't interfere with public	11:16:56
13	use based on the policy that's outlined in	11:16:59
14	this document from a prior Commissioners	11:17:01
15	Court I believe before you would have been	11:17:04
16	there.	11:17:05
17	Was that their understanding?	11:17:05
18	MR. MARTINEZ: Object to the form	11:17:08
19	of the question.	11:17:09
20	A. I have no idea what their under-	11:17:09
21	standing was. I can tell you -- I appreciate	11:17:11
22	you pointing this out for me because I think	11:17:13
23	that needs to be amended, I don't agree with	11:17:15
24	that but it was passed before I was here and	11:17:18
25	I appreciate you passing on something that we	11:17:21

Transcript of Brent Chesney
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EXHIBIT

3

81

1	can amend and I'm going to go look to amend	11:17:23
2	that.	11:17:26
3	That's just an opinion of that	11:17:26
4	particular court and they had every right to	11:17:27
5	pass it and we have every right to amend the	11:17:30
6	Beach Management Plan if we so choose as	11:17:33
7	well. That's a working, living, breathing	11:17:37
8	document.	11:17:39
9	Q. (By Mr. Hamel) Sure. Is the deed	11:17:40
10	a working, living, breathing document?	11:17:42
11	A. Is the deed -- no. The deed is a	11:17:44
12	deed.	11:17:47
13	Q. So whatever was meant when the	11:17:47
14	deed was signed, that's what it means; right?	11:17:48
15	A. Yes.	11:17:52
16	Q. And you say obviously you don't	11:17:53
17	believe this is binding on you or, if it is	11:17:57
18	binding on you, you're going to change it?	11:17:59
19	A. The Beach Management Plan.	
20	Q. Again, not to belabor the point	11:18:03
21	but you don't believe there is any length of	11:18:05
22	time that someone can stay in a public area	11:18:07
23	that it stops being a public area?	11:18:13
24	A. That was a multifaceted question.	11:18:15
25	I said I believe the Beach Management Plan	11:18:18

Transcript of Brent Chesney
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1	can be amended, not the deed but the Beach	11:18:22
2	Management plan can be because it's a living,	11:18:26
3	breathing document.	11:18:28
4	I don't agree with that part of it	11:18:30
5	so, for me to go back and change it, I need	11:18:31
6	to go back and take strides to amend it.	11:18:34
7	So, if your question, do I have a	11:18:37
8	number in mind of what becomes not public	11:18:38
9	purpose, the answer I don't have that number.	11:18:42
10	Q. Actually, as a point of fact, your	11:18:44
11	answer was there isn't one?	11:18:45
12	MR. MARTINEZ: Object to the form	11:18:48
13	of the question.	11:18:48
14	A. My answer is I don't have one, you	11:18:48
15	are correct. I think people ought to be able	11:18:51
16	to use the beach as much as they want to use	11:18:54
17	the beach. I think it ought to be as open as	11:18:57
18	possible. That's my opinion.	11:18:59
19	Q. (By Mr. Hamel) So your opinion is	11:19:00
20	that someone should be able to stay at Padres	11:19:02
21	Balli without if they want to for 5 years, 10	11:19:08
22	years, 15 years?	11:19:09
23	A. No, sir, because we have a differ-	11:19:10
24	ent restriction in that particular deed than	11:19:13
25	we do anywhere else not, not in Padres Balli.	11:19:17

Transcript of Brent Chesney
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1	So, if you're making it specific	11:19:20
2	to Padres Balli, the answer is different than	11:19:23
3	my opinion on the rest of the world.	11:19:26
4	Q. You're absolutely right and I'll	11:19:28
5	apologize for that.	
6	A. That's okay.	
7	Q. So, excluding Padres Balli, you	11:19:29
8	believe that someone could live -- assuming	11:19:32
9	there are no deed restrictions prohibiting,	11:19:34
10	that someone can stay at a park for 5 years,	11:19:36
11	10 years, 15 years continuously and that	11:19:40
12	would still constitute a public use?	11:19:44
13	A. I didn't say that. I said I think	11:19:47
14	people should be able to use it as much as	11:19:48
15	they possibly can.	11:19:51
16	I don't know what the right number	11:19:51
17	is and that's why on Padres Balli we went	11:19:53
18	back to ask for that right number and I lean	11:19:57
19	more towards allowing more access than less	11:20:00
20	access. I lean towards, if someone wants --	11:20:04
21	is 5 years too much? I don't know here but	11:20:07
22	yeah, probably; but I don't know where the	11:20:10
23	cutoff is.	11:20:11
24	So you're trying to put me in a	11:20:12
25	corner of what's my hard and fast number and	11:20:14

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1	I'm saying I don't really know. I'm saying,	11:20:17
2	if someone is going to ask me, I'm going to	11:20:18
3	say more access than less access any day of	11:20:20
4	the week and twice on Sunday because beaches	11:20:23
5	are open in Texas for a reason and people	11:20:25
6	ought be able to use them.	11:20:29
7	What the definition of "too long"	11:20:31
8	is, I don't know. It's just my opinion. My	11:20:33
9	opinion doesn't matter and I don't know why	11:20:35
10	we're spending so much time on my opinion on	11:20:38
11	5, 10, 15 years when we're talking about the	11:20:41
12	whole thing. This whole thing is rooted on	11:20:43
13	we just want to know what the right thing to	11:20:43
14	do is on extended camping in one little area.	11:20:46
15	That's all we want to do, we just want to get	11:20:50
16	to a resolution on that.	11:20:53
17	What does it matter if I think it	11:20:55
18	is 15 or 10? I don't know get it and I don't	11:20:58
19	know why you're -- I'll keep answering it the	11:21:00
20	best I can but my answer is I'll lean towards	11:21:02
21	more access than less.	11:21:05
22	I wish we had more opportunity to	11:21:07
23	let people stay longer than the two weeks or	11:21:10
24	whatever the number is the judge decides and	11:21:12
25	I think we're shorting people by making them	11:21:12

Transcript of Brent Chesney
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1	leave in two weeks because, if they want to	11:21:16
2	stay a month, a Winter Texan wants to come, I	11:21:17
3	wish we could let people stay but we can't.	11:21:19
4	It's not what we're allowed to do and that's	11:21:21
5	a shame but I've got to live with that.	11:21:24
6	I've spent lots of money on that	11:21:26
7	Padres Balli to try to make it more usable	11:21:31
8	to the public knowing that we had a two-week	11:21:35
9	restriction we were trying to live within and	11:21:35
10	if mistakes were made and someone didn't do	11:21:38
11	it right exactly, I'm sorry but that doesn't	11:21:40
12	mean that your client ought to come asking	11:21:44
13	for the property back. It means you ought to	11:21:48
14	tell us to stop and, if you want some money	11:21:49
15	damages, okay but you don't have the right --	11:21:52
16	you shouldn't get to come -- after we spent	11:21:53
17	all this money doing exactly what the heirs	11:21:57
18	wanted us to do, make this so public use.	11:22:00
19	It's the most publicly used prop-	11:22:03
20	erty there is and I'm proud of that property.	11:22:07
21	I'm proud of what we've done there but I do	11:22:09
22	not have the answer on 15, 10. I don't know	11:22:11
23	what that is. That's my best answer.	11:22:14
24	Q. This is my last one and we'll take	11:22:16
25	a break.	11:22:18

Transcript of Brent Chesney
Conducted on August 19, 2025

1	If the judge decides it's 14 days,	11:22:19
2	are you actually going to -- is Nueces County	11:22:22
3	going to actually start enforcing that limit?	11:22:22
4	A. We do enforce that limit.	11:22:25
5	Q. Except for the records that we saw	11:22:27
6	where it wasn't being enforced and the people	11:22:29
7	were staying for longer?	11:22:32
8	MR. MARTINEZ: Object to the form	11:22:33
9	of the question.	11:22:33
10	A. If mistakes were made, then those	11:22:33
11	need to be corrected and, if things were not	11:22:37
12	done correctly, then they need to be done	11:22:40
13	correctly.	11:22:41
14	I don't know if they were or they	11:22:41
15	weren't but I guess they were based on your	11:22:44
16	assessment. We need to do -- whatever the	11:22:46
17	final judgment in the case is, we need to do	11:22:48
18	it. I've said that all along and I say that	11:22:51
19	now.	11:22:54
20	If they didn't do two weeks, then	11:22:54
21	shame on them and something ought to happen	11:22:56
22	but it shouldn't be you get your property	11:22:59
23	back. That's not violating public use. It's	11:23:01
24	just not violating public use.	11:23:05
25	Q. (By Mr. Hamel) I'm sorry, this is	11:23:09

Transcript of Brent Chesney
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1	my last one. Do you believe my clients want	11:23:11
2	the property back or do you believe they want	11:23:14
3	Nueces County to follow the rules that are	11:23:17
4	set out in deed restrictions?	11:23:18
5	A. You tell me. In your petition --	11:23:20
6	and I haven't seen it but my understanding in	11:23:22
7	the counterclaim was that you asked for it to	11:23:25
8	be reverted back to your client. That's my	11:23:27
9	understanding.	
10	Q. And, in the alternative, you're an	11:23:30
11	attorney, do you think it would've helped to	11:23:32
12	look at the counterclaim before forming an	11:23:34
13	opinion on it?	11:23:35
14	A. I was advised by counsel that that	11:23:35
15	was the counterclaim. The counterclaim was	11:23:38
16	just like you said in the beginning of your	11:23:40
17	deposition, "Hey, you asked for attorneys	11:23:43
18	fees." Okay. You're right. Guess what, you	11:23:45
19	can't have it both ways, sir. You asked for	11:23:47
20	this to be reverted back.	11:23:50
21	You made this -- your client by	11:23:52
22	its pleadings has put us on the defensive	11:23:53
23	and made this kind of a fight to the death	11:23:56
24	because you want the property back. That's	11:23:58
25	what you pled. If you don't want it back,	11:24:00

Transcript of Brent Chesney
Conducted on August 19, 2025

1	then don't bleed it.	11:24:03
2	MR. HAMEL: Okay. Let's take that	11:24:05
3	break.	11:24:06
4	(Short recess.)	11:37:52
5	A. Can we please go back to the Beach	11:40:12
6	Management document for a moment so I can	11:40:16
7	look at something?	11:40:19
8	Q. Sure. You want me to go back to	11:40:21
9	the page I was on?	11:41:04
10	A. Yes, please. Is that the part	11:41:05
11	right there, the camping on the beach part?	11:41:19
12	Q. Correct.	11:41:22
13	A. So what I thought about asking	11:41:23
14	after we got offline is that doesn't relate	11:41:24
15	to our --	11:41:27
16	Q. Not to interrupt you but there's	11:41:29
17	something going on with your camera.	11:41:32
18	A. Sorry. Yeah. I may have had my	11:41:37
19	finger on it. Is that better?	
20	Q. Yeah.	
21	A. So you may not have asked me about	11:41:39
22	that but that has nothing to do with the RV	11:41:41
23	parks because that's just on the beach. You	11:41:45
24	may not have -- that may not have been some-	11:41:47
25	thing you were trying to distinguish or you	11:41:50

Transcript of Brent Chesney
Conducted on August 19, 2025

1	were just making a general point but it does	11:41:52
2	not have any involvement to the RV parks	11:41:56
3	because we're not on the beach. I just want	11:41:57
4	to point that out.	11:41:59
5	Q. It references the dune areas as	11:41:59
6	well.	11:42:02
7	A. Yeah, we're not in the dunes. You	11:42:02
8	can't -- we can't mess with dunes. Dunes are	11:42:05
9	sacred cows down here, you don't mess around	11:42:08
10	with dunes.	
11	Q. I'm sure you know that.	
12	Can you think of any reason why	11:42:12
13	the Commissioners Court would determine that	11:42:14
14	staying on a public beach for more than 14	11:42:16
15	days would be a nonpublic use but staying in	11:42:18
16	an RV park for more than --	11:42:19
17	A. No, I have no idea but there's a	11:42:20
18	definite distinction down here of how long	11:42:24
19	people allow people to stay on beaches versus	11:42:27
20	RV parks that are offsite because RV parks	11:42:30
21	are up and down the coastline, like Pioneer	11:42:33
22	is right up the street here and there's no	11:42:36
23	restrictions on them either.	11:42:37
24	So I want to make that distinction	11:42:39
25	that that is on the beach and in the dunes	11:42:41

Transcript of Brent Chesney
Conducted on August 19, 2025

1	and the RV parks are not in the dunes or on	11:42:43
2	the beach.	11:42:46
3	Q. Gotcha. So I guess I'm trying to	11:42:47
4	understand what exactly is the distinction.	11:42:49
5	I mean public land is public land; right?	11:42:51
6	A. Right, but you were asking me in	11:42:53
7	reference to an -- in reference to I thought	11:42:56
8	the parks we're talking about but these are	11:42:59
9	on the beaches, not on public -- public land	11:43:03
10	and public beaches are different apparently	11:43:06
11	because they made a distinction here and I	11:43:09
12	don't know why they made a distinction. They	11:43:12
13	didn't say "You can't camp on public land for	11:43:14
14	14 days," they say "You can't camp on the	11:43:17
15	beaches or the dunes."	11:43:21
16	Q. Gotcha. Do you happen to know	11:43:22
17	whether Nueces County or Corpus Christi has	11:43:24
18	any prohibition on how long you're allowed to	11:43:27
19	camp on the beach?	11:43:31
20	MR. MARTINEZ: Object to the form	11:43:32
21	of the question.	11:43:32
22	A. I don't -- no, I don't. I don't	11:43:32
23	know anything about what Corpus Christi does.	11:43:33
24	Of course it has beaches and the County has	11:43:39
25	beaches. I would have to check with Scott	11:43:40

Transcript of Brent Chesney
Conducted on August 19, 2025

1	Cross to see what the specific prohibition is	11:43:42
2	for Nueces County.	11:43:45
3	Q. (By Mr. Hamel) Would it surprise	11:43:45
4	you to know that there's a prohibition of	11:43:46
5	anything longer than three days for camping	11:43:48
6	on the beach and, in fact, in the City of	11:43:49
7	Corpus Christi all camping in public parks is	11:43:55
8	prohibited?	11:43:57
9	A. I have no idea what -- yeah, I	11:43:57
10	don't have any idea what Corpus Christi does.	11:43:59
11	Sorry.	11:44:02
12	Q. So I just kind of want to wrap up	11:44:02
13	three final things and we'll go blissfully to	11:44:03
14	another equally boring topic.	11:44:10
15	So we've been talking about public	11:44:10
16	versus private length stay, all that stuff.	11:44:14
17	Is it Nueces County's intention to competing	11:44:15
18	with private RV parks?	11:44:20
19	A. Is it our contention?	11:44:21
20	Q. Is it your intention.	11:44:23
21	A. Obviously, it is what it is and	11:44:24
22	what we are required by law to do is to be at	11:44:25
23	fair market value so we can't undercut anyone	11:44:28
24	and so that's what we do. We follow the law	11:44:33
25	as has been told to me.	11:44:37

Transcript of Brent Chesney
Conducted on August 19, 2025

1	Q. So, if someone was able to stay at	11:44:39
2	Padres Balli Park for any amount of time they	11:44:43
3	wanted to and the rates that they were being	11:44:46
4	charged were lower than that of a private RV	11:44:48
5	park and/or the private RV park has restric-	11:44:51
6	tions based on rental usage, hotel tax, and	11:44:54
7	things of that nature, would that not be	11:44:57
8	competing with private enterprise?	11:44:58
9	A. Sorry, can you break that down for	11:45:00
10	me? That was a long question.	11:45:03
11	Q. Sure. Maybe you do know and maybe	11:45:04
12	you don't. I can't imagine it would surprise	11:45:05
13	you that private RV parks have additional ex-	11:45:09
14	penses beyond what would be being paid by the	11:45:14
15	County for a public park; fair? Property	11:45:15
16	taxes.	11:45:18
17	A. Property taxes, sure.	11:45:19
18	Q. Hotel occupancy taxes depending on	11:45:20
19	the length of stay?	11:45:24
20	A. I don't know. We don't get hotel	11:45:24
21	occupancy. So, again I'm not familiar with	11:45:27
22	how that works. I apologize.	11:45:29
23	Q. Gotcha. So, obviously, if Nueces	11:45:30
24	County doesn't have any restrictions on the	11:45:32
25	length of stay and isn't having to pay any-	11:45:34

Transcript of Brent Chesney
Conducted on August 19, 2025

1	thing like property tax or pass those rates	11:45:36
2	on to the people staying there, would that --	11:45:39
3	how exactly would that not been competing	11:45:43
4	with private enterprise?	11:45:45
5	MR. MARTINEZ: Object to the form	11:45:47
6	of the question.	11:45:47
7	A. I didn't say we don't compete. I	11:45:47
8	said that we're not supposed to charge less.	11:45:51
9	Obviously we compete because we're there and	11:45:53
10	they're there. I mean, I'm not saying that	11:45:55
11	we don't compete.	11:45:58
12	Q. (By Mr. Hamel) Do you know whether	11:45:59
13	the Texas Government code would allow you to	11:46:00
14	compete with private enterprise?	11:46:03
15	A. I'm not familiar.	11:46:05
16	Q. Have you ever had any discussion	11:46:06
17	with the County Attorney about that?	11:46:09
18	A. I've had no advice given to me we	11:46:11
19	are doing anything in violation of the law or	11:46:16
20	we wouldn't be doing it. So I don't know if	11:46:19
21	that answers you but that's the best I can do	11:46:21
22	and that's a general answer.	11:46:23
23	Q. So I'm going to pull up what I'm	11:46:24
24	marking as Exhibit 6 to your deposition.	11:46:38
25	Can you see that?	11:47:00

Transcript of Brent Chesney
Conducted on August 19, 2025

1	(Defendant's Exhibit Number 6 was	
2	marked for identification.)	11:47:00
3	A. Yes, sir.	11:47:00
4	Q. It's from 1999 so I don't really	11:47:01
5	expect you to know it but does the name Carl	11:47:03
6	E. Lewis ring a bell?	11:47:07
7	A. Absolutely. He was an outstanding	11:47:08
8	jurist in Nueces County prior to his death.	
9	He was a good man.	11:47:10
10	Q. Sorry to hear that he passed away.	11:47:10
11	This is a letter that was sent	11:47:13
12	from Mr. Lewis when he was County Attorney in	11:47:15
13	June 11, 1999 that was addressed to Laurence	11:47:19
14	Jones, who is my client, Brud Jones' father.	11:47:24
15	Do you see that?	11:47:28
16	A. Yes, sir. I've met him.	11:47:28
17	Q. And the general substance of this	11:47:29
18	letter is that he states that at some point	11:47:32
19	the time was informally set at three days	11:47:35
20	regarding overnight camping in Padres Balli	11:47:39
21	park.	11:47:41
22	Do you see that?	11:47:41
23	A. Yes, I do see that.	11:47:42
24	Q. Specifically, his request was that	11:47:43
25	-- he states: "The Commission has decided	11:47:47

Transcript of Brent Chesney
Conducted on August 19, 2025

1 that the utilization of Padres Balli Park 11:47:51
2 would be best served by allowing persons to 11:47:52
3 stay in the park for a period of 14 days dur- 11:47:55
4 ing the summer season and 30 days in the off 11:47:58
5 season winter," and then he references the 11:48:01
6 traveling vacation habits of modern American, 11:48:02
7 which I think we could loosely refer to as
8 the "Winter Texan phenomena." 11:48:08
9 Sound fair enough? 11:48:12
10 A. I have no idea but okay, sure. 11:48:12
11 Q. That is kind of -- you used that 11:48:13
12 term a couple times, the Winter Texan thing; 11:48:16
13 right? 11:48:19
14 A. Yeah, but I don't know what -- I 11:48:19
15 have no idea what he means by that. 11:48:23
16 Q. And I'm not asking you to say what 11:48:27
17 he means but basically motor homes trying to 11:48:30
18 capture additional revenue, things like that. 11:48:31
19 Have you ever seen this letter 11:48:33
20 before? 11:48:35
21 A. No, sir. 11:48:35
22 Q. Can I infer then that you likely 11:48:36
23 have not seen the response to this letter 11:48:39
24 that was sent by Laurence Jones? 11:48:41
25 A. You could probably infer that but, 11:48:45

Transcript of Brent Chesney
Conducted on August 19, 2025

1	again, let me say I can't unequivocally say I	11:48:47
2	haven't seen these but I don't remember them.	11:48:48
3	I mean, there's been so much discussions over	11:48:50
4	the years on this so I don't want to mislead	11:48:54
5	in any way, shape or form.	11:48:57
6	Q. I'm not one of those gotcha people	11:48:57
7	so --	11:49:01
8	A. Yeah, I didn't remember. I didn't	11:49:01
9	mean to interrupt you. I apologize.	11:49:03
10	Q. If you can't remember, that's	11:49:03
11	totally reasonable. These are document from	11:49:05
12	a long time ago.	11:49:06
13	Specifically what they said was	11:49:09
14	it was not the intention of Albert Jones to	11:49:10
15	donate a park so the County could compete	11:49:13
16	with private enterprise.	11:49:16
17	Do you see that?	11:49:18
18	A. Yes, I do see that.	11:49:18
19	Q. Do you understand that part of the	11:49:19
20	issue and one of the contentions of my client	11:49:23
21	is essentially that by failing to enforce a	11:49:25
22	deed restriction -- by failing to enforce a	11:49:29
23	length of stay in addition to being a viola-	11:49:32
24	tion of the deed restriction also represents	11:49:34
25	improper competition with private enterprise?	11:49:37

Transcript of Brent Chesney
Conducted on August 19, 2025

1	A. That's the opinion of your client,	11:49:41
2	yes, I understand that.	11:49:43
3	Q. Do you have any concerns that by	11:49:45
4	not enforcing a length of stay or a having	11:49:47
5	a 14-day length of stay that Nueces County	11:49:50
6	would be competing with private enterprise?	11:49:53
7	A. I've already acknowledged we are	11:49:55
8	competing with private enterprise.	11:49:59
9	Q. So no concerns about this then?	11:50:02
10	A. Those parks have been there well	11:50:04
11	before me. I inherited them. So concern? I	11:50:07
12	don't know if -- I mean, my job as the County	11:50:10
13	Commissioner is to provide public use to a	11:50:13
14	very highly used area and provide revenue to	11:50:17
15	be able to maintain those parks to so that we	11:50:23
16	can continue to have them and allow people to	11:50:27
17	use them.	11:50:28
18	So this is a vehicle in which I	11:50:29
19	inherited that we have enhanced that we have	11:50:31
20	made nicer, better and more usable and that's	11:50:34
21	where we are today and that's my responsibil-	11:50:39
22	ity as a County Commissioner to do everything	11:50:44
23	I can to make sure that the park is used as	11:50:47
24	possible by the public and to create enough	11:50:51
25	revenue so that we can continue to use it and	11:50:54

Transcript of Brent Chesney
Conducted on August 19, 2025

1	maintain because it costs money.	11:50:56
2	Q. Previously you had said something	11:50:57
3	about the basis for the lawsuit or the reason	11:51:00
4	that it needed to be filed when it was and I	11:51:03
5	think you said -- please correct me if I'm	11:51:05
6	wrong -- basically my client wouldn't respond	11:51:07
7	and wouldn't come to the table.	11:51:10
8	Is that a fair assessment or a	11:51:11
9	fair summary?	11:51:12
10	A. Other than responses from attorney	11:51:12
11	to attorney, yeah, your actual client.	11:51:16
12	Q. My question is basically: We had	11:51:19
13	sent a letter which you referenced that had a	11:51:25
14	January 1st deadline for a response.	11:51:31
15	Do you recall that?	11:51:33
16	A. Again, I can't quote on the timing	11:51:34
17	but yes, the letter that asked us to respond	11:51:36
18	by a certain date to either do the four days	11:51:39
19	and three nights or you were going to file	11:51:42
20	the lawsuit. If that's what you're talking	11:51:45
21	about, yes.	11:51:45
22	Q. That was the impetus you said for	11:51:46
23	filing a lawsuit against my client?	11:51:48
24	A. Filing the Declaratory Judgment,	11:51:50
25	yes. To get an answer as to what "extended	11:51:52

Transcript of Brent Chesney
Conducted on August 19, 2025

1	stay" meant, yes.	11:51:54
2	Q. Did anyone from the County, the	11:51:55
3	Commissioners Court, County attorney, any	11:51:58
4	of that, did anyone ever actually provide a	11:51:59
5	response to that letter?	11:52:02
6	A. That I don't recall. I apologize.	11:52:02
7	I think -- I don't know if it was a written	11:52:05
8	response but I think we -- I thought we said	11:52:08
9	we didn't agree with the four days and three	11:52:11
10	nights. I thought that was the response but	11:52:15
11	I'm not sure if it was in formal writing or	11:52:18
12	not.	11:52:21
13	Q. Do you know whether anyone reached	11:52:21
14	out and said "Hey, we disagree with four days	11:52:23
15	and three nights, maybe there's middle ground	11:52:27
16	we can come to, why don't have a discussion"?	11:52:30
17	A. Absolutely.	11:52:31
18	Q. When did that happen?	11:52:36
19	A. I don't know the exact date but we	11:52:38
20	reached out -- starting when the County Judge	11:52:38
21	took office, we made a motion in court and I	11:52:41
22	personally called Brud and left him messages	11:52:44
23	on his cell phone and he didn't respond to my	11:52:47
24	phone calls, maybe because his lawyer told	11:52:49
25	him not to, I don't really know.	11:52:52

Transcript of Brent Chesney
Conducted on August 19, 2025

1	Other folks told me they reached	11:52:53
2	out to Brud to talk to him and that's hearsay	11:52:56
3	so I can't really testify to that honestly	11:52:58
4	unless they told me so I don't know that that	11:53:01
5	happened but I believe that I remember some	11:53:02
6	efforts being made from attorney to attorney	11:53:05
7	to say "Can we sit down a have a settlement	11:53:07
8	conference?" I don't think it ever occurred	11:53:11
9	and then we kept getting those threats of the	11:53:16
10	lawsuits.	11:53:17
11	Q. The settlement conference, would	11:53:17
12	that have been the County Attorney or would	11:53:17
13	that have been Mr. Martinez that was commun-	11:53:19
14	icating that?	11:53:23
15	A. Again, I don't recall exactly who	11:53:23
16	did what in all this. Like I said, we've had	11:53:26
17	three sets of lawyers working on it. I just	11:53:28
18	don't remember.	11:53:32
19	Q. Is it reflected a record anywhere	11:53:32
20	that that communication was made?	11:53:36
21	A. I'm sorry, I don't know that. I'd	11:53:37
22	have to go -- I could go check. I wouldn't	11:53:39
23	asked to provide anything for today.	11:53:41
24	Q. The only reason I'm asking is I	11:53:44
25	hadn't been involved with it previously but I	11:53:47

Transcript of Brent Chesney
Conducted on August 19, 2025

1 spoke to Frank and no one ever reached out to
2 us. So that was the reason I was asking if
3 we could get a little bit more of a definite
4 timeline as to who reached out when and about
5 what but, if you don't know, you don't know.

11:53:52

11:53:54

11:53:55

11:53:57

11:54:00

6 A. All I know is that I personally
7 made phone attempts to do it and you'd have
8 to ask the judge. I thought she had, too;
9 but I can't testify to that under oath but I
10 know I did and my calls were never returned.

11:54:01

11:54:04

11:54:06

11:54:09

11:54:12

11 Q. Last thing on the camping stuff.
12 You referenced a federal limit on camping.

11:54:15

11:54:18

13 Did I hear that correctly?

11:54:21

14 A. Yeah, and I believe we were basing
15 ours on the federal definition of "extended
16 stay" or "long-term camping" or something of
17 that nature.

11:54:23

11:54:28

11:54:32

18 Again, I have not reviewed this in
19 a while but that's what I recall to the best
20 of my ability.

11:54:33

11:54:36

11:54:38

21 Q. And your recollection is that was
22 that the federal camping limit would be 14
23 days. Were there any other caveats regarding
24 whether there were any other limitation with-
25 in the federal limit?

11:54:39

11:54:42

11:54:44

11:54:46

11:54:49

Transcript of Brent Chesney
Conducted on August 19, 2025

1	A.	That is all I recall and I'm not	11:54:50
2		saying there aren't, I'm saying that's all I	11:54:53
3		recall.	11:54:56
4	Q.	As far as whether there was any	11:54:56
5		discussion about the fact that even federal	11:54:58
6		campsites that allow for the 14 days require	11:55:01
7		people to vacate the park for the remainder	11:55:04
8		of the year, if that was discussed, you can't	11:55:07
9		remember?	11:55:10
10	A.	No, sir, I can't remember.	11:55:10
11	Q.	So, moving forward, awhile ago --	11:55:12
12		and I know it was because it was right after	11:55:18
13		Exhibit 1, you said there was an unauthorized	11:55:21
14		act by a single member of the court.	11:55:25
15		Did I hear that correctly?	11:55:26
16	A.	You did.	11:55:28
17	Q.	Can you explain what that was?	11:55:28
18	A.	Well, again, to the best of my	11:55:31
19		knowledge, the prior County Judge signed I'm	11:55:33
20		going to say -- I don't know whether it was a	11:55:41
21		deed restriction or some sort of easement but	11:55:42
22		recorded a document that was not authorized	11:55:46
23		by the Court.	11:55:49
24		So I don't want to misstate but	11:55:50
25		record a document that upset your client, as	11:55:52

Transcript of Brent Chesney
Conducted on August 19, 2025

EXHIBIT

103

3

1	it should have, that was not authorized by	11:55:54
2	the Commissioners Court or the Parks Board.	11:55:58
3	Q. I'm going to represent to you it	11:56:01
4	was listed in the deed restriction, I think	11:56:03
5	it could have potentially functioned more as	11:56:05
6	an easement filed in October of 2020.	11:56:07
7	Are we talking about the same one?	11:56:11
8	A. I believe so. I think there was	11:56:11
9	only one. So I think so, yes, sir.	11:56:14
10	Q. Now I'm going to pull up what I'm	11:56:16
11	marking as Exhibit 7 to your deposition.	11:56:20
12	Do you see that?	11:56:31
13	(Defendant's Exhibit Number 7 was	
14	marked for identification.)	11:56:32
15	A. Yes, sir.	11:56:32
16	Q. It references US "Army Corps of	11:56:32
17	Engineers approval permit for Gulf Shores	11:56:44
18	Joint Venture."	11:56:47
19	A. Yes, sir.	11:56:47
20	Q. At the bottom it's signed by Judge	11:56:47
21	Barbara Canales.	11:56:52
22	Do you see that?	11:56:54
23	A. Yes, sir.	11:56:54
24	Q. Is this the deed restriction you	11:56:54
25	were talking about?	11:56:57

Transcript of Brent Chesney
Conducted on August 19, 2025

1	A. I believe so. Again, I have not	11:56:57
2	looked at this in a long time but I believe	11:56:59
3	so. Unless there's another one out there I'm	11:57:02
4	not familiar with, I think that's probably	11:57:06
5	it.	11:57:07
6	Q. Okay. And you referred to this as	11:57:07
7	unauthorized; right?	11:57:09
8	A. Yes, sir.	11:57:10
9	Q. What steps did the Commissioners	11:57:10
10	Court take in response to this allegedly un-	11:57:17
11	authorized action by Judge Canales?	11:57:20
12	A. Let's see. I'm going to do this	11:57:23
13	best I can because this went on for a while.	11:57:26
14	To my knowledge they reached out and I don't	11:57:31
15	know who, it wasn't me but there was a reach	11:57:34
16	out to the Gulf Shores folks to say: "Hey,	11:57:37
17	what happened on this? How did it happen?"	11:57:42
18	There was a bit of a -- "investigation" is	11:57:44
19	a strong word but an inquiry as to how this	11:57:46
20	happened and the Court verified that we had	11:57:52
21	never voted on it and the Parks Board had	11:57:55
22	never voted on it to the best of our ability	11:57:58
23	through minutes and things of that nature and	11:58:01
24	we then set a course of undoing this deed	11:58:03
25	restriction. That's kind of a general over-	11:58:07

Transcript of Brent Chesney
Conducted on August 19, 2025

1	view I think.	11:58:10
2	Q. So, if this was unauthorized, what	11:58:11
3	exactly needed to be undone?	11:58:14
4	A. Well, your client wanted it undone	11:58:17
5	and I understood that. We would've -- or I	11:58:22
6	would've, too. So they asked that this be	11:58:24
7	reversed and we set out to accommodate that	11:58:27
8	request.	11:58:31
9	Even though it was unauthorized,	11:58:32
10	it still could be a cloud on a title or it	11:58:34
11	could be a problem down the road, it could be	11:58:38
12	something that could be problematic so, based	11:58:42
13	on your client's request, we accommodated the	11:58:44
14	request and went about undoing it. Really we	11:58:49
15	wanted to undo it because it was unauthorized	11:58:51
16	as well.	11:58:53
17	Q. You referenced "Gulf Shores Joint	11:58:53
18	Venture."	11:58:57
19	Do you know who that is?	11:58:57
20	A. Yes, sir.	11:58:58
21	Q. Any prior interactions with them	11:58:59
22	--	11:59:02
23	A. Yes, sir.	11:59:02
24	Q. -- or their owners previously?	11:59:03
25	A. Yes, sir.	11:59:05

Transcript of Brent Chesney
Conducted on August 19, 2025

1	Q.	So, prior to this deed restriction	11:59:07
2		in 2020, you had had some interactions with	11:59:09
3		Gulf Shores Joint Venture and I believe their	11:59:12
4		owner or one of their owners is a man by the	11:59:16
5		name of Tim Lange?	11:59:18
6	A.	Regarding -- yes, I know Tim Lange	11:59:19
7		very well. I don't know exactly what you're	11:59:22
8		asking, but yes.	11:59:23
9	Q.	I'll get there in a second. You	11:59:24
10		reached to Gulf Shores Joint Venture after	11:59:27
11		the deed restriction was filed and asked them	11:59:28
12		"What's going on with that?"	11:59:31
13		What did they say?	11:59:31
14	A.	Again, the Court reached out and	11:59:32
15		said "How did this come about" and it was	11:59:35
16		relaid back to the Court; and, again, I don't	11:59:38
17		exactly remember how but Scott Cross took it	11:59:41
18		to the Judge and the Judge took it from there	11:59:47
19		and the Judge got this done.	11:59:53
20		And, again, that's just kind of a	11:59:54
21		general paraphrasing of what was reported.	11:59:54
22	Q.	What was reported back to the	11:59:58
23		Court from --	12:00:00
24	A.	Yes, sir.	12:00:01
25	Q.	-- Gulf Shores Joint Venture?	12:00:01

Transcript of Brent Chesney
Conducted on August 19, 2025

1	A. No. From, internal -- again, I	12:00:03
2	hate to use the word "investigation" but the	12:00:08
3	inquiry that were made by the -- on behalf of	12:00:10
4	the Court either through the County Attorney	12:00:14
5	or somebody. I don't remember who did it all	12:00:15
6	but that was the information reported back to	12:00:17
7	the Court.	12:00:20
8	Q. What was reported back was Scott	12:00:20
9	Cross brought this to the attention of Judge	12:00:23
10	Canales and she ran with it from there?	12:00:26
11	A. That's the short version of it,	12:00:28
12	yes, sir.	12:00:29
13	Q. I'll represent to you I spoke with	12:00:29
14	Scott Cross last week at his deposition and	12:00:33
15	he said he never knew anything about this	12:00:35
16	until the deed restriction was filed.	12:00:38
17	Does that conflict with what was	12:00:42
18	reported to y'all?	12:00:45
19	MR. MARTINEZ: Object to the form	12:00:47
20	of the question.	12:00:47
21	A. No; because, in other words, it	12:00:47
22	got referred to Scott, Scott took it to the	12:00:49
23	Judge, and I don't know what happened between	12:00:52
24	there.	12:00:54
25	In other words, when I say "The	12:00:54

Transcript of Brent Chesney
Conducted on August 19, 2025

1	judge ran with it," I don't know what his in-	12:00:55
2	volvement was after he gave it to the Judge.	12:00:59
3	I don't know.	12:01:02
4	So I'm saying the Judge -- when I	12:01:03
5	say "The Judge ran with it, that's what hap-	12:01:04
6	pened. If she wanted to do something, she	12:01:07
7	just did it and she might've included him,	12:01:09
8	she might not have. I don't know.	12:01:13
9	Q. I don't want to call it investiga-	12:01:14
10	tion either, investigation, inquiry, whatever	12:01:19
11	but who was charged with doing that?	12:01:19
12	A. I'm sorry, I just don't recall.	12:01:20
13	We had a lot of discussions in our Executive	12:01:27
14	Session. So I'm going to guess the County	12:01:30
15	Attorney but that is a guess. I don't know.	12:01:33
16	Q. If it wasn't the County Attorney,	12:01:34
17	would it have been a third-party law firm?	12:01:38
18	A. I'm sorry, that's all I know. I	12:01:40
19	apologize.	12:01:43
20	Q. Okay. Would there be any records	12:01:43
21	summarizing the conclusions of that inquiry,	12:01:47
22	payments for the person doing it, anything	12:01:50
23	like that?	12:01:52
24	A. You know, I don't remember paying	12:01:52
25	anyone to do it so I would refer you to the	12:01:56

Transcript of Brent Chesney
Conducted on August 19, 2025

1	County Attorney to ask her because I feel	12:02:01
2	like it was her but I really don't know for	12:02:05
3	sure.	12:02:05
4	Q. Did you have any involvement or	12:02:06
5	did you have any discussions with Gulf Shores	12:02:07
6	Joint Venture regarding potentially using the	12:02:15
7	Padres Balli Park for mitigation purposes	12:02:16
8	prior to 2020?	12:02:18
9	A. Yes. The initial call was made to	12:02:19
10	me. I referred him to Scott Cross and said	12:02:21
11	"I think it's an uphill battle, we have other	12:02:23
12	assets you could use; but I'm going to refer	12:02:26
13	you to Scott Cross" just like I do anyone	12:02:26
14	else that calls me about things like that.	12:02:29
15	Scott Cross then took it and gave it to the	12:02:31
16	Judge at some point and that was pretty much	12:02:34
17	the end of it. Until it came to light, that	12:02:35
18	was all I knew about it.	12:02:39
19	Q. So basically the totality of your	12:02:40
20	involvement -- sorry, I should've clarified	12:02:46
21	this earlier. What was the nature of your	12:02:49
22	relationship with Tim Lange? You said you've	12:02:51
23	known him for a number of years.	12:02:53
24	A. Yeah, he's a very good friend and	12:02:56
25	we are business partners in a venture not	12:02:58

Transcript of Brent Chesney
Conducted on August 19, 2025

1	related to this.	12:03:01
2	Q. About how many years have you	12:03:02
3	known him?	12:03:03
4	A. Gosh, I've been his lawyer and his	12:03:03
5	friend a long time. I don't know.	12:03:06
6	Q. I won't hold you to that.	12:03:14
7	A. Sorry.	12:03:16
8	Q. I don't want to burn any bridges.	12:03:18
9	A. Long time.	12:03:19
10	Q. If I was really mean I would've	12:03:20
11	asked you the dates of birth for your kids	12:03:22
12	but I won't do that.	12:03:25
13	A. I can give you those.	12:03:25
14	Q. How about anniversaries?	12:03:25
15	A. Yeah, I got that one, too.	12:03:27
16	Q. You're doing better than me.	12:03:28
17	A. 24 years coming up.	12:03:31
18	Q. Congrats.	12:03:32
19	Tim Lange who you have a previous	12:03:35
20	relationship with reaches out to you and you	12:03:36
21	basically told him "Hey man, this is going to	12:03:38
22	be an uphill battle to get this done but talk	12:03:40
23	to Scott and he can point you in the right	12:03:45
24	direction."	
25	Then, based on an inquiry, Scott	12:03:46

Transcript of Brent Chesney
Conducted on August 19, 2025

1	passed it along to Judge Canales and then	12:03:48
2	basically the next y'all see of it there's	12:03:50
3	this purportedly unauthorized deed restric-	12:03:52
4	tion being filed.	12:03:57
5	Is that a fair summary?	
6	A. That's pretty close. I remember	12:03:58
7	even saying "We have other assets that would	12:03:59
8	be easier for you to encumber than that one	12:04:02
9	but I'm going to pass you to Scott Cross and	12:04:05
10	you can go that direction just like everybody	12:04:07
11	else."	12:04:17
12	Q. You used the word "encumber."	12:04:17
13	What do you mean by "encumber"?	12:04:20
14	A. We have other assets that are not	12:04:21
15	Padres Balli assets; right. If had he needed	12:04:24
16	a mitigation for his Corps permits, he could	12:04:26
17	have put this document on another one of the	12:04:32
18	property that had no deed restrictions and no	12:04:34
19	problems associated with it and I don't know	12:04:36
20	how it -- I don't know why they chose this	12:04:39
21	because we weren't involved in it and I don't	12:04:41
22	know why they -- I don't know why she chose	12:04:46
23	this.	12:04:47
24	Q. Just briefly, if you know, I feel	12:04:47
25	like it's likely you know better than I do,	12:04:50

Transcript of Brent Chesney
Conducted on August 19, 2025

1	what's the purpose of a mitigation easement?	12:04:53
2	A. Basically when someone is develop-	12:04:56
3	ing wetlands, if they're going to develop the	12:05:00
4	wetlands, the Corps requires to my knowledge	12:05:03
5	some sort of mitigation; meaning, some sort	12:05:05
6	of easement or deed restriction that is put	12:05:09
7	on another area that can never be anything	12:05:12
8	but wetlands.	12:05:16
9	That's kind of a layman's -- that	
10	is my layman's explanation. I'm sure some-	12:05:17
11	body could do it better than me but that's	12:05:21
12	basically my understanding of how it works.	12:05:22
13	If you're going to -- and with his	12:05:24
14	development I believe there was wetlands that	12:05:27
15	were going to be disrupted and therefore you	12:05:29
16	have to mitigate those wetlands to somewhere	12:05:31
17	else, which we had plenty of other areas we	12:05:34
18	could've done that with.	12:05:37
19	Q. So, basically, if you were going	12:05:39
20	to be impacting protected wetlands due to a	12:05:40
21	development, the Federal Government or who-	12:05:44
22	ever will obligate you to carve out other	12:05:47
23	land and basically protect that in order to	12:05:49
24	satisfy your obligation for your development.	12:05:53
25	Is that fair?	12:05:56

Transcript of Brent Chesney
Conducted on August 19, 2025

1	A. Yes, I think that that would be a	12:05:56
2	good assessment.	12:05:59
3	Q. Again, you said "encumbered." So	12:05:59
4	you said there are easier places to use than	12:06:02
5	Padres Balli but would that be still public	12:06:04
6	land?	12:06:06
7	A. Yes, owned by Nueces County.	12:06:07
8	Q. Do you take a position on whether	12:06:08
9	allowing a private developer to use public	12:06:11
10	land for mitigation purposes a public or a	12:06:15
11	private purpose?	12:06:20
12	A. Ask that again, please.	12:06:20
13	Q. Sure. Do you take any position on	12:06:22
14	whether allowing a private developer to use	12:06:24
15	public land for mitigation purpose is a non-	12:06:27
16	public use?	12:06:30
17	A. I don't know that I thought that	12:06:31
18	far about it or thought that much about it.	12:06:33
19	What I know is we are approached	12:06:35
20	more than once to do it. So are you asking	12:06:42
21	if I think it is a public use? Maybe I'm not	12:06:52
22	understanding the question.	12:06:55
23	Q. Do you believe it's a public use	12:06:56
24	to use public land -- to allow a developer to	12:06:58
25	use public land for mitigation purposes?	12:07:01

Transcript of Brent Chesney
Conducted on August 19, 2025

1	A. Sure. As long as the public has	12:07:04
2	continued access and use to it, I think it's	12:07:07
3	an acceptable practice and according to what	12:07:09
4	we've been told a legal practice.	12:07:13
5	Q. You said "According to what we've	12:07:14
6	been told"?	12:07:16
7	A. What the Commissioners Court has	12:07:17
8	been told is that we can do these kinds of	12:07:18
9	things if we so choose as long as we keep it	12:07:20
10	as public accessibility.	12:07:25
11	Q. Okay.	12:07:27
12	A. We can't prohibit the public from	12:07:28
13	using the land. What it does is it basically	12:07:30
14	says -- let's say it's 15 acres; right? I	12:07:32
15	don't know what it. Let's say that it's 15	12:07:35
16	acres and we have to go over to the Kleberg	12:07:36
17	property we own that's about 3,600 acres and	12:07:39
18	we have to say "Okay, this 15 acres can never	12:07:43
19	be used for anything but wetlands and we are	12:07:44
20	designating that forever and ever, the public	12:07:49
21	can still use that and therefore we are still	12:07:51
22	allowing public use."	12:07:53
23	Q. Gotcha. What's the benefit to	12:07:54
24	Nueces County of allowing a private developer	12:08:00
25	to use public land for mitigation purposes as	12:08:03

Transcript of Brent Chesney
Conducted on August 19, 2025

1	opposed to requiring them to purchase another	12:08:07
2	tract of private land and use that?	12:08:10
3	A. What's a benefit to Nueces County?	12:08:12
4	Certainly I guess under your hypothetical the	12:08:18
5	benefit could be enhanced development of an	12:08:21
6	area that would increase the revenues for	12:08:27
7	Nueces County and would increase the revenue	12:08:30
8	for the taxpayer, there wouldn't be property	12:08:30
9	tax increases. That would be one I would	12:08:34
10	think of but that's just my opinion.	12:08:36
11	Q. Basically, you'd let a developer	12:08:37
12	use public land for mitigation purposes free	12:08:40
13	of charge with the hope that their develop-	12:08:43
14	ment will further grow the economy in Nueces	12:08:46
15	County?	12:08:49
16	A. Free of charge is not what was	12:08:49
17	supposed to have happened. We had talked --	12:08:54
18	we had been having discussions about a charge	12:08:57
19	that the taxpayer would get a return on. I	12:09:01
20	don't think that happened in this case but,	12:09:05
21	again, this was an unauthorized act that	12:09:07
22	shouldn't have happened.	12:09:08
23	Q. You referenced a charge regarding	12:09:10
24	this one. I'm a little confused. I thought	12:09:14
25	basically you passed it along to Scott and	12:09:17

Transcript of Brent Chesney
Conducted on August 19, 2025

1	then Scott went to Judge Canales.	12:09:19
2	So when would a charge have been	12:09:21
3	discussed?	12:09:23
4	A. That's what Judge Canales should	12:09:24
5	have done with the developer because, if a	12:09:26
6	developer comes to Nueces County, then we are	12:09:28
7	going to say -- we're going to charge them a	12:09:31
8	per acre amount for it. That's what should	12:09:34
9	have happened.	12:09:40
10	I don't think she did that but I	12:09:42
11	don't know. I don't think if she did that in	12:09:45
12	this case because, again, it never came to	12:09:46
13	the Commissioners Court, which we wouldn't	12:09:48
14	have done it on this property because we just	12:09:51
15	wouldn't have because we wouldn't have taken	12:09:53
16	a chance because we were always so worried	12:09:55
17	about the Jones Family doing something like	12:09:59
18	this.	12:10:03
19	So I don't think we would've done	12:10:03
20	it. The Parks Board wouldn't have done it I	12:10:05
21	don't believe. I don't know but that may be	12:10:08
22	why she did it. I don't know. You'd have to	12:10:11
23	ask her why she did it. I don't know.	12:10:13
24	Q. So is your issue with the deed	12:10:15
25	restriction that it was unauthorized or that	12:10:20

Transcript of Brent Chesney
Conducted on August 19, 2025

1	she didn't charge anything to the private	12:10:22
2	developer for the easement, or both?	12:10:26
3	A. Both; but mainly because it was	12:10:28
4	unauthorized. We never had a chance to even	12:10:30
5	have a discussion on it. I don't know if it	12:10:32
6	legal or illegal. We never even got there.	12:10:34
7	It was unauthorized and she should never have	12:10:36
8	done it so we just worked as hard as we could	12:10:39
9	to try to start working to reverse it because	12:10:42
10	it shouldn't have been done.	12:10:44
11	So I don't know -- I don't think	12:10:46
12	we would've ever done it anyway but I don't	12:10:47
13	know that because we never had an opportunity	12:10:50
14	to have a legal discussion about it because	12:10:52
15	she did something she shouldn't have done.	12:10:53
16	Q. So, at a minimum, you wanted the	12:10:57
17	Commissioners Court to have an opportunity to	12:11:01
18	view the plans and be able to assess whether	12:11:02
19	or not it was something that could be legally	12:11:04
20	accomplished; is that fair to say?	12:11:05
21	A. The Parks Board first. Those kind	12:11:06
22	of things go through the Parks Board first	12:11:08
23	and 99 percent of the time -- I shouldn't say	12:11:11
24	that -- a large portion of the time we file	12:11:12
25	the recommendations of the Nueces County	12:11:14

Transcript of Brent Chesney
Conducted on August 19, 2025

1	Coastal Parks Board.	12:12:27
2	So it should've gone to them first	12:11:19
3	because they manage the costal assets by law	12:11:21
4	and we're kind of the ratifying body and the	12:11:25
5	whole process was messed up. It should've	12:11:27
6	gone to the Parks Board first.	12:11:30
7	Q. Did you all -- did you or anyone	12:11:36
8	on the Commissioners Court ever see an actual	12:11:39
9	easement plan regarding the easement prior to	12:11:42
10	the deed restrictions being filed?	12:11:45
11	A. Not to my recollection.	12:11:47
12	Q. I'm going to show you what I'm	12:11:49
13	marking as Exhibit 8 to your deposition and	12:11:54
14	these are E-mails we received as part of a	12:11:59
15	(inaudible) request and also I believe Judge	12:12:02
16	Canales provided in response to that request	12:12:04
17	to the Attorney General's Office.	12:12:07
18	(Defendant's Exhibit Number 8 was	
19	marked for identification.)	12:12:10
20	A. Yes, sir.	12:12:10
21	Q. Who is Laura Garza Jimenez?	12:12:10
22	A. A prior County Attorney.	12:12:15
23	Q. This appears to be an E-mail from	12:12:18
24	you saying "I am connecting you via E-mail	12:12:21
25	with Tim Lange, he is a partner for the Lake	12:12:26

Transcript of Brent Chesney
Conducted on August 19, 2025

1	Padres project, I'll leave it with you until	12:12:27
2	I'm needed, Thanks."	12:12:27
3	Is that what you were discussing	12:12:29
4	earlier about you basically connected Tim	12:12:31
5	Lange and then stepped out of the process?	12:12:35
6	A. Yes, sir; to the best of my know-	12:12:37
7	ledge that's what I did. I thought I sent	12:12:39
8	it to Scott Cross, too; but maybe I sent to	12:12:41
9	Laura. I may have misspoken. I don't know.	12:12:44
10	Q. Were you ever asked to go through	12:12:47
11	your E-mails to try to see if you had any	12:12:50
12	responsive documents regarding the mitigation	12:12:53
13	project?	12:12:56
14	A. Yes, sir.	12:12:56
15	Q. Did you do that?	12:12:56
16	A. Yes, sir.	12:12:57
17	Q. Did you provide those to either	12:12:58
18	the County Attorney or Mr. Martinez?	12:13:01
19	A. Not Mr. Martinez because that was	12:13:03
20	way back when. I provided it to the County	12:13:04
21	Attorney.	12:13:07
22	Q. When you say "way back when," what	12:13:07
23	time period are we talking about?	12:13:08
24	A. Oh, gosh, I'm sorry, you always	12:13:09
25	get me on the time. I'm the worst on that.	12:13:12

Transcript of Brent Chesney
Conducted on August 19, 2025

1 Whenever this kind of reared its ugly head. 12:13:14
2 I don't know, whenever y'all probably started 12:13:21
3 sending -- when y'all sent the first response 12:13:23
4 -- not response -- that came out on Channel 12:13:27
5 6 I think, the Cease and Desist letter that 12:13:29
6 your client sent.
7 Q. Okay.
8 A. So it was somewhere back in that 12:13:32
9 timeframe but I don't remember when that 12:13:34
10 letter was sent. 12:13:36
11 Q. Prior to the lawsuit being filed 12:13:37
12 then? 12:13:39
13 A. Oh, yeah, absolutely. Oh, yeah. 12:13:39
14 Q. Since the lawsuit has been filed 12:13:46
15 have you been asked to look for responsive 12:13:48
16 communications between either you, Tim Lange, 12:13:50
17 Gulf Shores Joint Venture, or the US Army 12:13:53
18 Corps of Engineers? 12:13:57
19 A. No, because I think I previously 12:13:57
20 provided all of that. I don't know but they 12:14:01
21 probably already have everything that I have 12:14:03
22 provided in the past, the County Attorney 12:14:05
23 should. 12:14:09
24 Q. But just to simplify it for me the 12:14:09
25 answer is no, you have not been asked? 12:14:12

Transcript of Brent Chesney
Conducted on August 19, 2025

1	A.	Not recently, no.	12:14:14
2	Q.	But not since is lawsuit has been	12:14:16
3		filed?	12:14:19
4	A.	I don't think so. I don't think	12:14:20
5		so. I just don't remember when I was asked	12:14:23
6		for those documents. I'm sorry. I have been	12:14:26
7		asked and I have provided everything that I	12:14:28
8		had but I don't remember the timeframe in	12:14:31
9		which I was asked and when I provided it.	12:14:33
10	Q.	Gotcha. I'm going to go down here	12:14:36
11		to -- these appear to be some text messages.	12:14:37
12		Do you see that?	12:14:41
13	A.	Yes, sir.	12:14:42
14	Q.	This 361 number here, is that your	12:14:42
15		phone number?	12:14:50
16	A.	Which one?	12:14:51
17	Q.	The 361 area code one.	12:14:54
18	A.	I don't see a "361" on there. I	12:14:57
19		see this "850-3333."	12:15:01
20	Q.	Yeah.	12:15:05
21	A.	That's not me, no.	12:15:05
22	Q.	It appears from this the number	12:15:07
23		referred to there is listed as "Commissioner	12:15:17
24		Chesn." Is there anyone else who is on the	12:15:20
25		Commissioners Court that has the last name	12:15:23

Transcript of Brent Chesney
Conducted on August 19, 2025

1	beginning C-h-a-s-n?	12:15:26
2	A. No.	12:15:28
3	Q. Did you answer?	12:15:29
4	A. Yes. I said "No." I'm sorry.	12:15:34
5	Q. Do you recall discussing this with	12:15:35
6	Scott Cross or sending these texts messages	12:15:38
7	that are shown in the picture?	12:15:41
8	A. Five years ago, I don't know. I	12:15:43
9	don't know. I don't remember if that's your	12:15:52
10	question, no.	12:15:55
11	Q. Reading what it says: "Scott, Tim	12:15:56
12	says he still does not have the document he	12:16:03
13	needs for Corps permit, what needs to happen	12:16:06
14	to get him that?"	12:16:09
15	Assuming for the sake of argument	12:16:10
16	that's you sending that text message, were	12:16:12
17	you still involved at that point with trying	12:16:16
18	to get this Corps permit approved?	12:16:20
19	A. Oh, gosh, I don't remember. I'm	12:16:25
20	trying to think what the context of this was.	12:16:29
21	Do you have anything above it or is that all	12:16:33
22	you have?	12:16:36
23	Q. That's what was provided to us.	12:16:36
24	A. Nothing like the chain? I'm	12:16:38
25	trying to recall the conversation. What does	12:16:39

Transcript of Brent Chesney
Conducted on August 19, 2025

1	that one say above it?	12:16:45
2	I don't know what the context of	12:16:53
3	all this was or what they were asking for. I	12:16:55
4	don't remember -- I just don't remember what	12:17:00
5	the context of this was; meaning, I'm trying	12:17:02
6	my best to look at it. Hold on. Yeah, this	12:17:07
7	could've been me -- it could've been me just	12:17:15
8	checking to see if documents were received	12:17:19
9	but I don't know that that related to the --	12:17:23
10	I don't know if that related to the easement.	12:17:26
11	Q. The Baker Wotring Law Firm, what's	12:17:29
12	your understanding of what they were hired to	12:17:37
13	do?	12:17:38
14	A. Honestly, what they were original-	12:17:38
15	ly hired to do was to help us determine if we	12:17:41
16	could create a mitigation bank for the areas	12:17:43
17	we were discussing earlier.	12:17:48
18	They were supposed to come in and	12:17:50
19	advise us on if we could, in fact, create a	12:17:52
20	mitigation bank, how would we charge for it,	12:17:57
21	things of that nature.	12:18:02
22	Then somehow they got off on all	12:18:02
23	this other stuff that the judge used them for	12:18:05
24	the rest of us don't even recall authorizing	12:18:07
25	use for but that's what they were originally	12:18:11

Transcript of Brent Chesney
Conducted on August 19, 2025

1	hired for to my recollection and then they	12:18:13
2	ended up being a lot more involved and then	12:18:15
3	we ended up having to let them go because we	12:18:17
4	didn't feel like they were in the scope of	12:18:20
5	what we hired them to do.	12:18:24
6	So then they finally -- in fact,	12:18:25
7	Mr. Gonzalez had to ask and say "Hey, look,	12:18:27
8	you were supposed to provide us this report,	12:18:30
9	where is it?" And they finally provided us a	12:18:32
10	report on mitigation land banks a year later	12:18:38
11	or some inordinate amount of time later that	12:18:41
12	was what we originally hired them for.	12:18:42
13	There's a lot of dialogue that's	12:18:45
14	out in the open about that, too, the public	12:18:47
15	records and so forth; but that is what had	12:18:50
16	originally hired them for but I don't think	12:18:51
17	that's exactly what we used them for.	12:18:53
18	Q. Gotcha. I'm just trying to kind	12:18:55
19	of exactly pin down what your role was in all	12:18:56
20	of this. Assuming that's what Baker Wotring	12:18:58
21	was hired to do, that's fine. Obviously, if	12:19:04
22	that was the limitation on it, then there's	12:19:07
23	no real reason why anyone at Baker Wotring	12:19:09
24	would be talking to Tim Lange; right?	12:19:13
25	MR. MARTINEZ: Object to the form	12:19:15

Transcript of Brent Chesney
Conducted on August 19, 2025

1	of the question.	12:19:17
2	A. I don't know. I don't know that.	12:19:17
3	It looked like he was -- it kind of looked	12:19:20
4	like they were helping something going on	12:19:23
5	with the process.	12:19:25
6	Q. But you can't recall any of this	12:19:28
7	stuff?	12:19:31
8	A. I'm sorry, I don't. Like I said,	12:19:31
9	I know it never came to court or to the best	12:19:37
10	of my recollection and we can't find anywhere	12:19:41
11	where it ever went to court to be voted on or	12:19:43
12	ever went to the Parks Board to be voted on.	12:19:46
13	Q. Is this your Nueces County E-mail?	12:19:51
14	A. Yes. Hold on. Yes, it's my old	12:19:57
15	one. It's not the current one but it's the	12:20:02
16	old one I think.	12:20:04
17	Q. Who is Ross Partlow?	12:20:05
18	A. He's one of the partners in that	12:20:07
19	project, Lake Padres.	12:20:10
20	Q. So he would've been involved with	12:20:13
21	Gulf Shores Joint Venture regarding this	12:20:16
22	mitigation project?	12:20:19
23	A. Probably. I don't know for sure	12:20:20
24	but probably.	12:20:22
25	Q. We see your E-mail cc'd there;	12:20:23

Transcript of Brent Chesney
Conducted on August 19, 2025

1	right?	12:20:26
2	A. Yes.	12:20:26
3	Q. And it says: "Mitigation plan	12:20:27
4	regarding Balli Park and Lake Padres." Lake	12:20:29
5	Padres being the developer that subsequently	12:20:33
6	changed their name to Gulf Shores Joint	12:20:34
7	Venture; right?	12:20:37
8	A. I'm sorry but I don't know that	12:20:37
9	either because I don't have anything to do	12:20:39
10	with those entities.	12:20:42
11	Q. So what mitigation plan would've	12:20:43
12	been discussed in 2019?	12:20:46
13	MR. MARTINEZ: Object to the form	12:20:49
14	of the question.	12:20:50
15	A. I don't know that. I don't know.	12:20:50
16	Let me see. I'm reading this. I'm trying to	12:20:55
17	read what you just showed me.	12:20:58
18	Can you blow it up just a little	12:21:02
19	bit?	12:21:04
20	Q. Sure.	
21	A. There you go. It says right there	
22	The improvements that have been discussed	12:21:16
23	are to establish trails that lead up to the	
24	birding stations and stations are to consist	12:21:20
25	of a wooden viewing platform to be covered,	12:21:21
	adjacent will be informational signage re-	12:21:23

Transcript of Brent Chesney
Conducted on August 19, 2025

1	lating to bird species in the area."	12:21:28
2	That's plan that I guess we were	12:21:29
3	talking about.	12:21:31
4	Q. Right here it says: "Exhibit A	12:21:31
5	outlines the mitigation plan and specifics	12:21:34
6	relating to Balli Park."	12:21:38
7	Do you see that?	12:21:40
8	A. Yes, sir.	12:21:40
9	Q. So that would appear to me to be	12:21:40
10	something that's significantly further along	12:21:43
11	than simply a feasibility study; right?	12:21:46
12	A. Again, I don't know because I do	12:21:50
13	not do the day to day. That would have all	12:21:56
14	been through Scott Cross.	12:21:58
15	So someone may have been sending	12:22:01
16	this as information to let me know this was	12:22:02
17	going on maybe, I don't know because I didn't	12:22:05
18	have involvement in the discussions with the	12:22:07
19	Coastal Parks Board or the director on this	12:22:10
20	specific plan that I can recall.	12:22:14
21	Q. Do you still have access do this	12:22:15
22	E-mail account?	12:22:17
23	A. No.	12:22:19
24	Q. Who would have access to that? Is	12:22:19
25	there like a technology administrator that	12:22:21

Transcript of Brent Chesney
Conducted on August 19, 2025

1	the County has?	12:22:24
2	A. Yes, the IT, the IT Department.	12:22:25
3	We had to change over a few years ago and I	12:22:30
4	don't remember when but we had a breach or	12:22:36
5	something and we had to change.	12:22:38
6	Q. Any reason to believe that these	12:22:39
7	communications would not have been retained	12:22:42
8	after y'all switched over?	12:22:44
9	A. No idea.	12:22:45
10	Q. Do you recognize this E-mail?	12:22:46
11	A. Yes, but then it never happened	12:22:57
12	because we -- I wanted -- because this is --	12:23:02
13	we needed to put it on for discussion but I	12:23:06
14	don't think it ever got on.	12:23:10
15	I think if you keep going through	12:23:11
16	it I'm pretty sure this is what I was asking	12:23:12
17	for, "Hey, look this needs to be an action	12:23:15
18	item" but it never came on. So, as far as	12:23:17
19	we were concerned, it was gone if I remember	12:23:21
20	right.	12:23:24
21	So you can keep showing me other	12:23:24
22	stuff and you may refresh my memory on this	12:23:26
23	and you can get me. If you get me, I'm not	12:23:29
24	trying to hide the ball but I remember asking	12:23:34
25	specifically for this but I don't think it	12:23:36

Transcript of Brent Chesney
Conducted on August 19, 2025

1	got on the agenda.	12:23:37
2	Q. You remember specifically asking	12:23:39
3	about this. So what would the Lake Padres	12:23:40
4	item be?	12:23:46
5	A. Anything related probably to what	12:23:46
6	you just showed me.	12:23:48
7	Q. So Padres Balli mitigation?	12:23:49
8	A. Yes, anything that would -- like	12:23:51
9	need to be discussed in an open court or the	12:23:53
10	Commissioners -- or Parks Board Office, that	12:23:57
11	needs to happen and we have to put it on the	12:23:58
12	agenda to discuss it; and, unless you've got	12:24:01
13	something contrary, yes, I remember that; but	12:24:04
14	I don't remember it getting on the agenda and	12:24:07
15	I just remember to the best of my knowledge	12:24:10
16	she signed something without us knowing.	12:24:13
17	Q. To the best of your knowledge.	12:24:16
18	It says here: "Also, I need an	12:24:17
19	Executive Session on that to be safe."	12:24:20
20	Did I read that right?	12:24:22
21	A. Yes, sir.	12:24:23
22	Q. What do you mean by "to be safe"?	12:24:23
23	A. If there's any legal issues that	12:24:25
24	we need to discuss.	12:24:28
25	Q. So, basically, during the general	12:24:30

Transcript of Brent Chesney
Conducted on August 19, 2025

1	agenda portion legal issues come up, that's	12:24:34
2	something that you would then table to take	12:24:37
3	to Executive Session?	12:24:38
4	A. We wouldn't table it. You would	12:24:40
5	just go to your Executive Session and ask	12:24:41
6	your legal questions and then come back out	12:24:44
7	and do something if you're going to do some-	
8	thing.	12:24:46
9	Q. And to the best of your knowledge	12:24:46
10	this agenda item never actually came up for	12:24:48
11	discussion?	12:24:53
12	A. That's my recollection but, if you	12:24:56
13	have something to show me different, I'll be	12:25:00
14	happy to look at it.	
15	Wait, go back. What date was that	12:25:04
16	other one?	12:25:07
17	Q. May 28th of 2019.	12:25:09
18	A. Okay.	12:25:11
19	Q. Now we're later on on May 28th of	12:25:11
20	2019.	12:25:15
21	A. Right.	12:25:16
22	Q. So this bottom E-mail right here,	12:25:29
23	does that comport that Tim Lange reached out	12:25:32
24	to you and you referred him to Scott?	12:25:35
25	A. Yeah, let me just read it real	12:25:37

Transcript of Brent Chesney
Conducted on August 19, 2025

1	quick. That looks like that's from me, yes.	12:25:43
2	Q. He says "You" -- being Scott --	12:25:50
3	"had a plan for them mitigating some land	12:25:51
4	with us."	
5	Do you see that?	12:25:54
6	A. I said, yeah, "Tim Lange contacted	12:25:54
7	me and said you had a plan for them mitigat-	12:25:56
8	ing some land with us, where are we on that?	12:26:01
9	He indicated he thought it was done and would	12:26:03
10	be on agenda. You have probably been dealing	12:26:06
11	with Ross Partlow on that. Deadline for the	12:26:10
12	agenda is today, let me know."	12:26:10
13	Q. So there were discussions going on	12:26:10
14	about using Padres Balli for mitigation in	12:26:12
15	2019?	12:26:14
16	A. Apparently there was definitely	12:26:15
17	discussions on mitigation plans, yes.	12:26:16
18	Again, discussions are discussions	12:26:19
19	until they're actions. Then, if there's no	12:26:24
20	action, there's no action. So unless you've	12:26:28
21	got something that shows action, yeah.	12:26:31
22	Q. I'm just trying to understand and	12:26:34
23	it sound to me like -- and this is what Scott	12:26:38
24	Cross represented, was basically this kind of	12:26:42
25	came out of the blue against y'all and so it	12:26:43

Transcript of Brent Chesney
Conducted on August 19, 2025

1	just seems from these communications there	12:26:44
2	was a little bit more involvement and there	12:26:45
3	was a little more of a plan and so I'm just	12:26:47
4	trying to figure out what the delta is there.	12:26:49
5	A. Yeah, there's always -- I mean, we	12:26:52
6	get -- I get 100 discussions that never end	12:26:57
7	up on the agenda. People contact you about	12:26:59
8	different stuff, you have discussions behind	12:27:03
9	the scenes, you talk about things. If they	12:27:05
10	don't amount to anything, then they don't get	12:27:09
11	put on the agenda and we don't do it.	12:27:12
12	-- every Commissioner based on	
13	their precinct is going to have someone reach	12:27:16
14	out and contact them. So I sent him to Scott	12:27:18
15	and Tim calls me and says "Hey, can you check	12:27:21
16	with Scott and see where we are?"	12:27:23
17	Again, I'm speculating, I don't	12:27:24
18	know for sure but Tim says "Can you see where	12:27:25
19	we are on this because Scott said it's going	12:27:26
20	to be on the agenda." So I sent an E-mail	12:27:27
21	saying "Scott, Tim reached out and said you	12:27:29
22	have a mitigation plan, so are you going to	12:27:32
23	present something?" That was kind of the	12:27:34
24	nature; but, again, I don't recall it ever	12:27:36
25	being put on the agenda.	12:27:40

Transcript of Brent Chesney
Conducted on August 19, 2025

1	If you have something that shows	12:27:43
2	me that I'm wrong, then show me I'm wrong but	12:27:44
3	I just don't recall anything where we put it	12:27:47
4	on the agenda and voted on it.	12:27:49
5	Q. Do you see this?	12:27:52
6	A. Yes.	12:27:53
7	Q. "There will be compensation per	12:27:53
8	acre on this, I've discussed between \$10,000	12:27:58
9	and \$15,000 an acre with Tim Lange."	12:27:59
10	Do you see that?	12:28:01
11	A. Yes.	12:28:02
12	Q. Would that indicate to you perhaps	12:28:02
13	there were more extensive conversations be-	12:28:04
14	tween you and Tim Lange than you recall?	12:28:07
15	A. No. That was again in the initial	12:28:09
16	phase when he called me and I said "Look, I	12:28:12
17	don't think you ought to try Padres Balli but	12:28:14
18	it's up to you, we have other land and we're	12:28:17
19	going to charge you, this isn't going to be a	12:28:21
20	favor deal, you're going to get charged what-	12:28:22
21	ever the fair market value is if we're able	12:28:26
22	to do anything."	12:28:28
23	So this was kind of in line with	12:28:29
24	that, which is "You're going to get charged	12:28:31
25	just like anybody else is." That's was what	12:28:33

Transcript of Brent Chesney
Conducted on August 19, 2025

1	I set up but I don't think that's happened	12:28:35
2	but that's what I tried to lay out was, "Hey,	12:28:38
3	wherever we put you, if it passes, you're go-	12:28:40
4	ing to have to pay between \$10,000 an acre	12:28:43
5	and \$15,000 an acre because at the time that	12:28:45
6	was what we were getting side advice on as to	12:28:47
7	what was probably the fair market value at	12:28:50
8	that time.	12:28:52
9	Q. So, after the deed restriction was	12:28:52
10	filed, did you go back to Tim Lange and say	12:28:54
11	"Tim, what's going on? We had an agreement	12:28:56
12	\$10,000, \$15,000, you went behind my back on	12:28:58
13	this, this didn't come to court, what's the	12:29:02
14	deal"?	12:29:05
15	A. I didn't say "You went behind my	12:29:05
16	back." I said: "Tim, I need to understand	12:29:06
17	what happened because when we had the initial	12:29:08
18	discussion this is what I laid out, how did	12:29:11
19	this go?" And his response -- and, again,	12:29:13
20	I'm paraphrasing because this was five or six	12:29:15
21	years ago -- "Scott gave it to the Judge and	12:29:18
22	the Judge and I got it done and the Judge did	12:29:22
23	not feel like we needed to go to court, she	12:29:26
24	felt like she could do it."	12:29:29
25	That's my recollection of what Tim	12:29:30

Transcript of Brent Chesney
Conducted on August 19, 2025

1	said. I don't know how it went down, you'd	12:29:32
2	have to ask him; but, at the end of the day,	12:29:35
3	I call him and said: "How did this happen?"	12:29:37
4	We were pretty caught off guard by that Cease	12:29:39
5	and Desist letter and I went back and looked	12:29:43
6	and said: "I can't find any action by the	12:29:47
7	Parks Board, I can't find any action by the	12:29:49
8	Commissioners Court, how did this happen?"	12:29:50
9	"The Judge did it." That was kind of the	12:29:52
10	paraphrase.	12:30:00
11	Q. Did you ever ask Gulf Shores Joint	12:30:00
12	Venture to sign anything voiding that Declar-	12:30:03
13	ation?	12:30:06
14	A. I did not. That's when it went --	12:30:06
15	at that point it kind of went into the County	12:30:07
16	Attorney's hands and the Court was dealing	12:30:11
17	with it up front and I didn't feel like it	12:30:12
18	was up to me to sit and try to get him to	12:30:15
19	sign something or not sign something because	12:30:18
20	I can't do that unilaterally anyway. It has	12:30:20
21	to be a Court vote.	12:30:22
22	I think the Court went back and I	12:30:24
23	can't recall but I think the Court went back	12:30:29
24	and asked for something and I think that once	12:30:31
25	again if I'm not mistaken the County Judge	12:30:34

Transcript of Brent Chesney
Conducted on August 19, 2025

1	filed another document that Tim Lange didn't	12:30:37
2	sign trying to unvoid it if I'm not mistaken	12:30:40
3	and you may have that one, too, somewhere.	12:30:44
4	Q. What I'm trying to understand is	12:30:46
5	you got a threat of litigation from my client	12:30:48
6	and the lawsuit is filed. You got a threat	12:30:55
7	of litigation from my client, a lawsuit is	
8	filed against it; right?	
9	Here you have what you're telling	12:30:57
10	me was an unauthorized action by Barbara	12:30:59
11	Canales purporting to allow a private devel-	12:31:05
12	oper free of charge to use Padres Balli for	12:31:09
13	mitigation.	12:31:10
14	Why exactly wasn't a lawsuit filed	12:31:11
15	regarding that issue?	12:31:13
16	MR. MARTINEZ: Object to the form	12:31:15
17	of the question.	
18	Q. (By Mr. Hamel) Could you not just	12:31:16
19	have easily filed the Declaratory Judgment	12:31:16
20	action saying: "Hey, this was unauthorized,	12:31:21
21	this is not invalid, this has no bearing"?	12:31:23
22	A. Because there was advice given to	12:31:24
23	us -- I'm trying not to get into my attorney/ client privilege advice on how to deal with	12:31:34
24	the issue. We were advised that potential	12:31:35
25		12:31:37

Transcript of Brent Chesney
Conducted on August 19, 2025

1 other legal ramifications could occur if we
2 didn't handle it the way we handled it. I'll
3 just say it like that.

4 Q. I can't know about it because it
5 happened in Executive Session but there was
6 some advice that said: "These people here
7 are complaining about this unauthorized act,
8 you should sue them but you should not sue
9 the developer or the Judge who took the uni-
10 lateral action they're complaining about"?

11 A. No, that's not a good assessment.
12 You're mixing everything together. You're
13 trying put -- it's apples and oranges.

14 We were advised that there were
15 potential legal exposures other places that
16 we needed to proceed with caution on in how
17 we dealt with the situation and that's what
18 we did based on that.

19 Plus, to be honest with you, that
20 developer worked with us. I mean, I don't
21 know how to say that any nicer. Your client
22 wouldn't. They continued to work with us and
23 we came up with a resolve on that he agreed
24 to and we resolved that without the need for
25 mitigation because he worked with us when

12:31:41

12:31:45

12:31:47

12:31:47

12:31:49

12:31:51

12:31:54

12:31:55

12:31:57

12:31:59

12:32:02

12:32:08

12:32:11

12:32:15

12:32:16

12:32:18

12:32:21

12:32:23

12:32:25

12:32:29

12:32:32

12:32:34

12:32:37

12:32:40

12:32:45

Transcript of Brent Chesney
Conducted on August 19, 2025

1	your client refused to.	12:32:47
2	Your client wouldn't work with us,	12:32:49
3	threatened us with lawsuits. The other guy,	12:32:52
4	all we did was come up with a plan and then	12:32:54
5	we figured out how to do it, everybody agreed	12:32:56
6	to it because we got in a room and figured it	12:32:59
7	out and your client threatened to sue us.	12:33:01
8	And I know you've got to ask your	12:33:03
9	question the way you want to ask it but I've	12:33:05
10	got to answer it the way I've got to answer	12:33:06
11	it if you're going to ask me those kinds of	12:33:08
12	questions.	12:33:09
13	Q. So the developer and everybody got	12:33:09
14	in room and they were able to hash something	12:33:12
15	out?	12:33:14
16	A. Basically, yes. The attorneys got	12:33:15
17	together and they hashed it out and that got	12:33:16
18	resolved?	12:33:19
19	Q. Is that attorney/client privilege,	12:33:20
20	too lor can you tell me what happened with	12:33:22
21	that?	12:33:25
22	A. It resolved and that is public	12:33:25
23	knowledge so I can absolutely tell you that.	12:33:27
24	That deed restriction was removed off of the	12:33:28
25	subject property of this suit and it was put	12:33:31

Transcript of Brent Chesney
Conducted on August 19, 2025

1	somewhere else as resolve on unencumbered by	12:33:35
2	deed restriction property that the County	12:33:41
3	owns and that was the resolve that we came	12:33:44
4	up with so that he didn't have problems with	12:33:46
5	Corps permit and we didn't get ourselves into	12:33:49
6	another legal mess.	12:33:51
7	Q. Gotcha. So, when you say --	12:33:52
8	A. Based on the unauthorized actions	12:33:53
9	of a prior County Judge.	12:33:57
10	Q. Right. When you say "He didn't	12:33:58
11	have any other problems with the Corps	12:33:59
12	permit," that's Tim Lange; right?	12:34:01
13	A. When I say what?	12:34:03
14	Q. When you say that "He didn't have	12:34:04
15	any other problems with his Corps permit,"	12:34:06
16	that would be Tim Lange and Gulf Shores Joint	12:34:10
17	Venture; right?	12:34:15
18	A. Correct.	12:34:15
19	Q. Why does the County care about	12:34:16
20	whether not Tim Lange's Army Corps permit is	12:34:19
21	invalidated because he and the County Judge	12:34:22
22	got together and did something unauthorized?	12:34:26
23	MR. MARTINEZ: Object to the form	12:34:29
24	of the question.	12:34:29
25	A. Because we like to avoid litiga-	12:34:29

Transcript of Brent Chesney
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1 tion at all costs; and, if it's not going to
2 harm Nueces County to undo something that was
3 done incorrectly that if we just ripped it
4 away could've caused irreparable harm to the
5 developer and financial harm that he could've
6 then sued us for, we felt like it was better
7 to sit down and try to work it out, just like
8 we've done with your client who continues to
9 refuse to want to work with us; and we had no
10 choice but to file a Declaratory Judgment be-
11 cause you were going to sue us. That's what
12 you told us repeatedly.

12:34:32

12:34:35

12:34:39

12:34:43

12:34:50

12:34:51

12:34:54

12:34:57

12:34:58

12:35:01

12:35:02

12:35:04

13 He didn't. We sat down and worked
14 it out just like we work out and solve things
15 with potential litigants all the time. It's
16 very rarely that we have to initiate actions
17 because most of the time we're able to get
18 things worked out in an amicable way.

12:35:06

12:35:08

12:35:11

12:35:13

12:35:17

12:35:19

19 Q. (By Mr. Hamel) I'll just ask you:
20 Did Tim Lange or Gulf Shores Joint Venture
21 threaten to sue Nueces County over this?

12:35:22

12:35:23

12:35:26

22 A. There was definitely some concern;
23 but, again, I didn't -- you're going to have
24 to ask the attorney about that but there was
25 definitely concern by our counsel. I'm just

12:35:28

12:35:35

12:35:37

12:35:40

Transcript of Brent Chesney
Conducted on August 19, 2025

1	going to leave it at that. You'll have to	12:35:42
2	ask her what the concern was based on.	12:35:46
3	Q. There was a potential threat from	12:35:52
4	Tim Lange and/or Gulf Shores Joint Venture	12:35:55
5	such that there were concerns on the part of	12:35:59
6	Nueces County there could be liability based	12:36:01
7	on the unauthorized action of Judge Canales?	12:36:03
8	A. There was advice by counsel that	12:36:07
9	we followed to avoid any potential action.	12:36:11
10	You'd have to ask her if there were threats	12:36:19
11	by him or not. I'm saying this is what we	12:36:23
12	were advised to do in order to be prudent.	12:36:25
13	Q. Again, I'm trying to understand	12:36:28
14	why exactly don't you just file a Declaratory	12:36:30
15	Judgment action and get a Judge to say that	12:36:34
16	Barbara Canales acted unilaterally without	12:36:36
17	authority and this is all void" and then it's	12:36:37
18	Barbara Canales' problem whether she promised	12:36:41
19	something to Tim Lange or not?	12:36:44
20	MR. MARTINEZ: Object to the form	12:36:46
21	of the question.	12:36:46
22	A. Because, again, our attorney had	12:36:46
23	advised us of a method of least resistance of	12:36:48
24	which this ended up being that.	12:36:55
25	Now, what do you do about a rogue	12:36:57

Transcript of Brent Chesney
Conducted on August 19, 2025

1	County Judge? I don't know. I mean, that's	12:37:02
2	a whole other topic we could spend a day on	12:37:04
3	but that's not part of this lawsuit.	12:37:07
4	I mean, we acted in the way that	12:37:09
5	our counsel advised us to do. That was the	12:37:10
6	path at least resistance and it worked and we	12:37:14
7	have resolved that matter to accommodate your	12:37:17
8	client partially and partially because it was	12:37:22
9	unauthorized and never should've been done.	12:37:25
10	Q. (By Mr. Hamel) In your opinion,	12:37:26
11	you resolved this matter?	12:37:27
12	A. We resolved the deed restriction	12:37:28
13	issue. There is no longer a deed restriction	12:37:30
14	which is one of your Cease and Desist points.	12:37:33
15	That has been resolved because there is no	12:37:37
16	longer a deed restriction on that. That was	12:37:39
17	what you asked us to do.	12:37:41
18	We didn't agree with the second	12:37:42
19	one or whichever order it was in. We agreed	12:37:44
20	with one. We did it and resolved it and that	12:37:45
21	deed restriction no longer exists on record	12:37:49
22	because we have moved it somewhere else.	12:37:52
23	Q. Did that happen before you after	12:37:54
24	you filed the lawsuit against my client?	12:37:56
25	A. Before we filed the Declaratory	12:37:58

Transcript of Brent Chesney
Conducted on August 19, 2025

1	Judgment that your client threatened with a	12:38:01
2	lawsuit, we engaged that activity long before	12:38:03
3	that.	12:38:06
4	Q. My question -- I appreciate that	12:38:06
5	but my question was a little bit different,	12:38:09
6	which was: Was it moved? The easement, was	12:38:10
7	it moved before or after the lawsuit was	12:38:13
8	filed?	12:38:15
9	A. The action took place a year in	12:38:16
10	advance of you lawsuit being filed against	12:38:20
11	us and the final resolve happened during the	12:38:23
12	lawsuit. We started the process way before	12:38:26
13	you filed the lawsuit and it finished during	12:38:28
14	the lawsuit. That's the accurate answer.	12:38:31
15	Q. So another way of saying that is	12:38:33
16	that Padres Balli was still not subject to	12:38:37
17	the mitigation easement at the time you filed	12:38:40
18	the lawsuit against my client?	12:38:43
19	A. It was subject in the fact that	12:38:44
20	we had not moved the document but we had the	12:38:46
21	agreement reached and we were in the process	12:38:49
22	of getting it done.	12:38:52
23	Q. In the process of getting it done.	12:38:53
24	Who was involved in that process, Scott	12:38:57
25	Cross?	12:38:59

Transcript of Brent Chesney
Conducted on August 19, 2025

1	A.	I think you'll have to check with	12:38:59
2		the County Attorney because she would've come	12:39:02
3		in and advised us on what was going on with	12:39:03
4		it. I don't know who was doing the work on	12:39:05
5		that. I assume Scott Cross might've been	12:39:06
6		involved with that, yes.	12:39:08
7	Q.	How much did Nueces County spend	12:39:09
8		trying to fix this mitigation issue for Tim	12:39:11
9		Lange?	12:39:13
10	A.	No idea.	12:39:13
11	Q.	Would it surprise you -- I spoke	12:39:15
12		with Scott Cross and he said Nueces County	12:39:18
13		actually hired a third-party consultant to	12:39:21
14		assist in amending the Army Corps permit and	12:39:25
15		he wasn't sure but he believed it was a cost	12:39:30
16		of at least \$50,000.	12:39:33
17		Would that surprise you?	12:39:36
18	A.	I don't know the answer to that.	12:39:37
19	Q.	If assuming with me that that is	12:39:39
20		a true assessment, what exactly is the basis	12:39:42
21		for why Nueces County would be spending that	12:39:45
22		\$50,000 to assist a private developer to move	12:39:47
23		their mitigation easement based on an un-	12:39:50
24		authorized action of a prior County Judge?	12:39:54
25	MR. MARTINEZ:	Object to the form	12:39:57

Transcript of Brent Chesney
Conducted on August 19, 2025

1	of the question.	12:39:57
2	A. Because our attorney advised us	12:39:57
3	that was the best course of action to avoid	12:39:59
4	further damages that could be in multitudes	12:40:02
5	of way more than -- if your \$50,000 is right,	12:40:04
6	way more than \$50,000.	12:40:07
7	In the County Attorney's opinion	12:40:10
8	at the time and the Court agreed this was the	12:40:13
9	least expensive way of getting out of a mess	12:40:14
10	the prior County Judge incurred that could've	12:40:17
11	cost us way more. So that was why we moved	12:40:21
12	forward in the way we did.	12:40:25
13	Q. If the Judge in this suit deter-	12:40:27
14	mines that your assessment regarding extended	12:40:30
15	overnight camping is incorrect and, in fact,	12:40:34
16	the deed restrictions have been violated such	12:40:36
17	that it was not used for a public purpose,	12:40:39
18	you understand there is a possibly that the	12:40:41
19	entirety of the park will revert back; right?	12:40:44
20	MR. MARTINEZ: Object to the form	12:40:48
21	of the question.	12:40:48
22	A. We believe that is the intent of	12:40:48
23	your client and has been all along. That's	12:40:50
24	we filed the Declaratory Judgment, to get us	12:40:55
25	a better standing in it; and despite the nice	12:40:57

Transcript of Brent Chesney
Conducted on August 19, 2025

1	petition that you filed that tries to make it	12:41:01
2	look like we did it, the reality is that you	12:41:03
3	threatened us with a lawsuit over and over,	12:41:06
4	then you gave us a hard and fast deadline to	12:41:07
5	respond and do what you wanted and we didn't	12:41:11
6	believe you were right and that's why we did	12:41:12
7	what we did and I think that was the only	12:41:14
8	course of action we had because we couldn't	12:41:16
9	get your client to come to the table and have	12:41:19
10	a discussion.	
11	You guys responded, the attorneys	12:41:20
12	did; but we never could get Brud in the room	12:41:23
13	to have a settlement conference with Laurence	12:41:25
14	or anybody even though we tried. That just	12:41:29
15	never occurred.	12:41:30
16	Q. (By Mr. Hamel) Here's what I'm	12:41:30
17	trying to understand based on what the County	12:41:33
18	thought was a mitigation versus the current	12:41:35
19	lawsuit.	12:41:37
20	Someone who I'm not apparently not	12:41:37
21	entitled to know who it was or what they said	12:41:39
22	recommended to you it could be very costly or	12:41:41
23	burdensome to Nueces County to get crosswise	12:41:44
24	with Gulf Shores Joint Venture or Tim Lange	12:41:49
25	such that the course of least resistance was	12:41:51

Transcript of Brent Chesney
Conducted on August 19, 2025

1	to shell out an additional \$50,000 to assist	12:41:53
2	them with moving their mitigation permit;	12:41:56
3	right?	12:41:59
4	MR. MARTINEZ: Object to the form	12:42:00
5	of the question.	12:42:01
6	A. The answer is, first of all, I	12:42:01
7	don't know why this matters so much to you	12:42:04
8	but the answer is what I've given you; right.	12:42:06
9	We make decisions as a Commissioners Court	12:42:09
10	all of the time that costs money and we make	12:42:13
11	decisions that we believe will lessen the	12:42:16
12	cost if we follow our counsel's advice and	12:42:19
13	that's their job to do it.	12:42:23
14	We made a business decision on	12:42:23
15	that particular incident and felt like it	12:42:27
16	could've cost way more to get embroiled in	12:42:30
17	a long-term lawsuit that had real damages	12:42:33
18	potentially attached.	12:42:37
19	So that's the answer to that. We	12:42:39
20	filed a Declaratory Judgment because we could	12:42:41
21	not get your client to sit down and talk to	12:42:44
22	us about it in person and because we needed	12:42:46
23	some definition because you had a position	12:42:49
24	and we had a position, you didn't agree with	12:42:51
25	ours and we didn't agree with yours.	12:42:53

Transcript of Brent Chesney
Conducted on August 19, 2025

1	So that was the only -- it's what	12:42:56
2	we did on that, too. This is costing tax-	12:42:56
3	payer money like it's costing your client and	12:43:00
4	I hate it; but, if Brud would've returned my	12:43:02
5	calls, we could've resolved this three years	12:43:05
6	ago.	12:43:08
7	Q. (By Mr. Hamel) How is it not the	12:43:08
8	path of least resistance to go back to four	12:43:09
9	days/three nights like the County Attorney	12:43:13
10	thought in 1968? And I'll represent to you	12:43:16
11	that many County Attorneys afterwards also	12:43:17
12	agreed including the one that you said was an	12:43:19
13	esteemed litigator in Nueces County.	12:43:23
14	A. Can you show me that proof? You	12:43:26
15	assert it just so you can get in the depo but	12:43:29
16	you showed me that letter from Carl Lewis and	12:43:30
17	you didn't show me anything after that. The	12:43:33
18	Carl Lewis letter said he thinks it ought to	12:43:35
19	be 14 days and 30 days for Winter Texans and,	12:43:38
20	again, I don't really -- I cut you off and	12:43:41
21	that's my bad, I sincerely apologize. Please	12:43:45
22	finish your question.	12:43:47
23	So I don't know what point you're	12:43:48
24	making. You know as well as I do -- you're a	12:43:50
25	good lawyer and I know you're trying to get	12:43:53

Transcript of Brent Chesney
Conducted on August 19, 2025

1	everything that you can in this deposition	12:43:55
2	but you know as well as I do an attorney's	12:43:56
3	opinion doesn't matter for squat. So your	12:43:58
4	opinion doesn't matter to me and my opinion	12:44:01
5	doesn't matter to you. It matters what the	12:44:04
6	law says.	12:44:07
7	That's why we went to the Judge to	12:44:07
8	get a legal opinion. It doesn't matter what	12:44:09
9	Brent Chesney County Commissioner says or	12:44:12
10	what Joe Blow County Commissioner said in	12:44:13
11	1968 because that's not the law and I'm just	12:44:15
12	trying to get the definition of the law.	12:44:18
13	You want the property back but we	12:44:21
14	can't give you the property back. You want	12:44:22
15	us to say we'll do it for two weeks and we	12:44:24
16	won't mess with it again, absolutely all day.	12:44:27
17	If you want to resolve this, this could've	12:44:32
18	been resolved months ago and you know that.	12:44:36
19	Q. Candidly, I don't know that.	12:44:37
20	A. Y'all are the ones taking all the	12:44:41
21	depositions, not us. You're the ones running	12:44:43
22	up the time cost for your clients, not us.	12:44:45
23	We'd go have a settlement conference right	12:44:47
24	now if we could get your client in a room but	12:44:51
25	y'all won't do it.	12:44:52

Transcript of Brent Chesney
Conducted on August 19, 2025

1	So I don't know what else to tell	12:44:52
2	you, man. I've been as honest as I can. I	12:44:55
3	don't remember everything that went on. I'm	12:44:55
4	being as up front as can. If you don't want	12:44:58
5	the property and you didn't plead that in the	12:45:01
6	alternative, we would probably be in a whole	12:45:04
7	different position now.	12:45:05
8	You said we pled attorneys fees.	12:45:06
9	Okay, that's standard, too. So let's get in	12:45:08
10	a room and talk about this but y'all are the	12:45:11
11	ones doing the depositions running up their	12:45:13
12	cost, not us. We're not -- we haven't asked	12:45:16
13	for one deposition. We haven't asked to my	12:45:19
14	knowledge to depose Brud or Laurence.	12:45:22
15	We just want to resolve this thing	12:45:29
16	and go on with it; but, if y'all need to keep	
17	doing this, that's your right and you should	12:45:29
18	have ever right to do that, yes.	12:45:30
19	Q. One of the things I have a right	12:45:31
20	to ask about is why exactly is it that Nueces	12:45:33
21	County is shelling out tens of thousands of	12:45:39
22	dollars to a private developer in order to	12:45:42
23	avoid litigation --	12:45:44
24	A. You've asked that and I answered	12:45:45
25	it.	12:45:47

Transcript of Brent Chesney
Conducted on August 19, 2025

1	Q. I didn't finish my question.	12:45:47
2	And avoid additional litigation	12:45:48
3	damages -- and avoid additional litigation	12:45:50
4	damages but they have no problem filing a	12:45:53
5	lawsuit against my client with a potential	12:45:55
6	result that, if you are wrong, everyone in	12:45:58
7	Nueces County will then lose a 400-acre park	12:46:00
8	and that apparently doesn't concern you?	12:46:03
9	What is the difference between those two	12:46:05
10	situations other than --	12:46:14
11	A. Then ask me a question. You keep	12:46:14
12	on pontificating and you don't even ask me a	12:46:18
13	question and then you talk for 10 minutes.	12:46:21
14	Tell me what your question is.	12:46:21
15	Q. Did you choose to sue my client	12:46:24
16	but not Tim Lange because you have a personal	12:46:27
17	relationship with him?	12:46:29
18	MR. MARTINEZ: Object to the form	12:46:30
19	of the question.	12:46:31
20	A. We chose -- let me answer it again	12:46:31
21	because apparently you don't like my answer	12:46:33
22	and you want me change it.	12:46:35
23	I told you why we didn't sue Tim	12:46:36
24	Lange. I told you exactly why we filed the	12:46:39
25	Declaratory Judgment about 12 times in this	12:46:46

Transcript of Brent Chesney
Conducted on August 19, 2025

1	deposition alone and that is because your	12:46:48
2	client threatened to sue us, you gave us a	12:46:50
3	hard and fast date, there's letters that show	12:46:53
4	that; and, if we didn't respond and do what	12:46:55
5	you wanted, you were going to sue us and so	12:46:58
6	we went first and asked for a Declaratory	12:47:01
7	Judgment.	
8	I know you want to call it a law-	12:47:06
9	suit because it is but all we're asking for	12:47:07
10	is an opinion by a Judge. You're asking for	12:47:09
11	400 acres back. You're asking to steal land	12:47:12
12	from Nueces County citizens that they gave to	12:47:16
13	us rightfully and that's okay. Just call it	12:47:19
14	like it is.	12:47:20
15	If that's what you want then let's	12:47:21
16	go fight it out in court. Otherwise, let's	12:47:23
17	go sit down and work it out. We have been	12:47:25
18	trying for two or three years to get in a	12:47:29
19	room and work this out and you just won't do	12:47:31
20	it.	12:47:33
21	You haven't been the lawyer the	12:47:34
22	whole time. I know you haven't been involved	12:47:35
23	in this the whole time so hasn't been you.	12:47:38
24	Q. (By Mr. Hamel) Why exactly is it	12:47:40
25	that Nueces County is so opposed to going to	12:47:42

Transcript of Brent Chesney
Conducted on August 19, 2025

1	a four day/three night camping limit?	12:47:45
2	A. Because we don't feel that's what	12:47:48
3	the definition of "extended camping" is and	12:47:51
4	we are trying to find what the definition of	12:47:54
5	"extended camping" is.	12:47:57
6	There are definitely financial	12:48:00
7	ramifications involved in four days and three	12:48:02
8	nights. That's the honest answer, we don't	12:48:07
9	feel "extended camping" is four days and	12:48:10
10	three nights.	12:48:14
11	Q. Now I'll show what I'm marking as	12:48:14
12	Exhibit 9 to your deposition. Exhibit 9 is a	12:48:17
13	1995 Nueces County Attorney opinion -- or	12:48:24
14	excuse me -- it's minutes from the Board of	12:48:29
15	Park Commissioners.	
16	(Defendant's Exhibit Number 9 was	
17	marked for identification.)	12:48:33
18	A. Another document I haven't seen	12:48:33
19	just for the record.	12:48:36
20	Q. They said specifically that they	12:48:37
21	requested --	12:48:41
22	A. This was when, 1998 you said?	12:48:41
23	Q. 1995. They requested to know what	12:48:44
24	"extended overnight camping" meant.	12:48:49
25	A. Who did they request it from? Let	12:48:52

Transcript of Brent Chesney
Conducted on August 19, 2025

1	me get to where you're trying to get to.	12:48:57
2	Q. Sure.	
3	A. I still don't see it. If you can	12:49:01
4	below it up a little bit, I'd appreciate it.	12:49:10
5	Q. Give me a second.	12:49:13
6	A. I you don't answer questions but	12:49:38
7	we kind of have the same response that you're	12:49:41
8	asking me, which is: Why are you y'all so	12:49:41
9	against two weeks? I know that's not your	12:49:43
10	question to answer but that's what we would	12:49:47
11	love to know, too.	12:49:49
12	Q. If, again, it's determined to be	12:49:49
13	two weeks, is the County actually going to	12:49:54
14	enforce it because it's been two weeks and	12:49:57
15	I'm representing to you the County has not	
16	been enforcing it?	
17	It seems to me -- and you correct	
18	me if I'm wrong -- that you don't care about	12:50:02
19	that, you don't care about enforcing the rule	12:50:03
20	whether it's what you think or not because	12:50:06
21	you don't think it'll actually impact whether	12:50:08
22	or not this park reverts back.	12:50:11
23	MR. MARTINEZ: Object to the form	12:50:15
24	of the question.	12:50:16
25	A. No, that's not a fair assessment	12:50:16

Transcript of Brent Chesney
Conducted on August 19, 2025

1	either. I've talked to you in general terms	12:50:18
2	about what I feel about beach access and I	12:50:20
3	told you from the beginning that we felt all	12:50:22
4	along that two weeks was the appropriate time	12:50:26
5	and, if -- and I don't know, I really don't.	12:50:29
6	The day you gave me earlier, I don't know if	12:50:33
7	it's accurate or how it was asked for the	12:50:36
8	system but I agree it should be two weeks if	12:50:38
9	that's what the federal definition is and I	12:50:41
10	would tell you now like I said from very the	12:50:43
11	beginning I will do everything in my power --	12:50:45
12	which I don't oversee the day to day, okay.	12:50:48
13	I will do everything in my power to make sure	12:50:50
14	it was no more than two weeks and that they	12:50:54
15	had to check out for a day, I would.	12:50:56
16	I just don't understand why y'all	12:50:59
17	care so much -- I get that you care it's over	12:51:02
18	two weeks. That's fine. I understand that.	12:51:05
19	I don't understand why they care if we go two	12:51:07
20	weeks and you're so hard on that four days/	12:51:11
21	three nights. That's what I don't understand	12:51:14
22	at all.	
23	That is a financial hardship for	12:51:16
24	the County. We've been doing it that way for	12:51:19
25	the two weeks. So whether some attorney said	12:51:23

Transcript of Brent Chesney
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1	something in '95 or '98 or '88 or '68, we've	12:51:25
2	been doing it this way a long time and it's	12:51:28
3	what we did our financial analysis on when we	12:51:31
4	revamped the park.	12:51:34
5	We did a lot of things based on	12:51:35
6	that two weeks being the number. So, yes, I	12:51:37
7	would do everything I could to give within	12:51:40
8	that two weeks and make sure the staff did	12:51:43
9	everything they could and make sure the Parks	12:51:46
10	Board did everything they could.	12:51:47
11	Q. (By Mr. Hamel) And, just so we're	12:51:48
12	clear, when you say "two weeks," do you mean	12:51:48
13	two weeks flat and then they have to leave or	12:51:51
14	do you mean two weeks, they leave for a day,	12:51:52
15	they come another two weeks, they leave for a	12:51:55
16	day, they come for another two weeks, they	12:51:57
17	leave for a day?	12:51:58
18	A. Which is what I thought had been	12:51:59
19	going on, leave for -- I don't know if it was	12:52:01
20	leave for a day or leave for period of time;	12:52:03
21	but, yeah, you can't be like you come for two	12:52:04
22	weeks and you can't ever come again.	12:52:08
23	I don't know what the after two	12:52:10
24	weeks looks like. I don't have a hard and	12:52:13
25	fast on that to be honest with you. The two	12:52:16

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1	weeks is just important to us from a revenue	12:52:18
2	standpoint.	12:52:26
3	I don't know what the right answer	12:52:26
4	is after two weeks; meaning, if they have to	12:52:27
5	leave a day or they have to leave a week. So	12:52:29
6	i don't know what that is because I haven't	12:52:30
7	even gotten that far with this. Y'all have	12:52:31
8	never come off the four days and three nights	12:52:32
9	so we've not had these productive discussions	12:52:35
10	about what could happen if y'all weren't so	12:52:38
11	hard on four days and three nights because	12:52:40
12	there's just never been any middle ground	12:52:43
13	discussed.	12:52:46
14	Q. Do you have any knowledge of what	12:52:46
15	the County Attorney may or may not have said	12:52:48
16	regarding potential negotiations?	12:52:52
17	A. As far as what?	12:52:57
18	Q. As far as what my clients would be	12:52:58
19	willing to agree. Do you have any knowledge	12:53:01
20	whatsoever of what was offered, whether any-	12:53:03
21	thing was offered, whether there was even any	12:53:04
22	communication by the County Attorney to us or	12:53:04
23	to our clients?	12:53:07
24	A. I was just told that four days and	12:53:08
25	three nights was the hard and fast position	12:53:10

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1	based on the last letter that was sent prior	12:53:12
2	to us filing the Declaratory Judgment asking	12:53:15
3	for an answer to my knowledge and I have to	12:53:18
4	think before I say that. To my knowledge, I	12:53:20
5	don't remember if there was any discussion of	12:53:23
6	coming off the four days and three nights.	12:53:28
7	Maybe the -- I don't know. I don't remember	12:53:30
8	anything after that because I don't remember	12:53:31
9	anything after that. So, if there has been	12:53:35
10	other stuff, then I can ask them.	12:53:37
11	Q. All that stuff you just said about	12:53:40
12	my clients won't come to the table and you	12:53:41
13	don't understand we can't have an agreement,	
14	what you actually meant was you saw the let-	12:53:44
15	ter that said four days/three nights, you	12:53:47
16	filed the lawsuit, and you haven't done any-	12:53:49
17	thing since then?	12:53:52
18	A. No. That's not -- what are you	12:53:52
19	talking about? We've had discovery and we've	12:53:53
20	had depositions and we had to provide y'all	12:53:55
21	discovery from understanding in that hearing.	12:53:58
22	We've done nothing? I don't know what that	12:54:01
23	means. Our attorneys --	12:54:02
24	Q. You've said we won't come to the	12:54:02
25	table. Has anyone from Nueces County said	12:54:03

Transcript of Brent Chesney
Conducted on August 19, 2025

1	"Let's sit down and talk about this"?	12:54:06
2	MR. MARTINEZ: Object to the form	12:54:09
3	of the question.	12:54:10
4	A. I don't know the answer to that.	12:54:10
5	I have but not since the lawsuit started but	12:54:11
6	yes, I have repeatedly. Yes, I've repeatedly	12:54:14
7	asked. I've asked it in articles that I've	12:54:17
8	written. I've asked it in my phone messages	12:54:22
9	since the lawsuit started but I don't know	12:54:24
10	because I can't talk to anybody during a law-	12:54:25
11	suit because it's lawyer to lawyer.	12:54:27
12	Me personally, I don't know that	12:54:29
13	because I'm out now because it's lawyers and	12:54:31
14	lawsuits.	12:54:33
15	Q. Can you read this section I've	12:54:34
16	highlighted in what I'm marking as Exhibit 9	12:54:35
17	to your deposition?	12:54:37
18	A. If you can blow it up, I can read	12:54:38
19	it. What is this?	
20	Q. This is -- I have no idea.	
21	A. I don't know either.	
22	Q. Do you know who Sandra Huhn is?	12:55:02
23	A. I do not. I'll read it to you.	12:55:07
24	"Ms. Castro asked Sandra Huhn to give an	12:55:07
25	opinion regarding the length of consecutive	12:55:08

Transcript of Brent Chesney
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1	overnight camping days at Padres Balli Park.	12:55:11
2	She explained that after studying the lease	12:55:14
3	the time limit of three days was not a statu-	12:55:15
4	tory requirement but is based on what the	
5	person at the time of putting the lease to-	
6	gether felt was reasonable and is more of a	12:55:20
7	legal definition. She went on to explain	
8	that if the Board was to extend the limit,	
9	it's possible the property would revert back	12:55:26
10	to the owners because they would be breaking	12:55:29
11	the lease agreement."	12:55:30
12	Q. If I was to represent to you that	12:55:32
13	Sandra Huhn was the Nueces County Attorney in	12:55:35
14	1995, do you have any reason to dispute that?	12:55:38
15	A. She was a County -- she was not	12:55:41
16	the County Attorney probably? She might have	12:55:41
17	been a County Attorney in our office.	12:55:44
18	I don't remember a name like that	12:55:48
19	being the County Attorney. That says "County	12:55:50
20	Attorney Office," so she might have been an	12:55:53
21	Assistant County Attorney in the office just	12:55:54
22	to clarify. I don't remember that name being	12:55:55
23	ever a County Attorney at Nueces County.	12:55:57
24	Q. All right. Let's assume for the	12:56:00
25	sake of argument she's part of the County	12:56:02

Transcript of Brent Chesney
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1	Attorney's Office. She was asked to give an	12:56:05
2	opinion on that exact issue that is at issue	12:56:08
3	in this case and she determined the legal	12:56:09
4	definition was three days and that, if they	12:56:11
5	went beyond that, there was a possibility of	12:56:14
6	reverting.	12:56:16
7	Do you see that?	12:56:17
8	A. No. I see that she explained	12:56:17
9	after studying the lease the time limit of	12:56:19
10	three days was not a statutory requirement	12:56:22
11	but it's based on what the person at the time	12:56:25
12	of the lease put together felt.	12:56:26
13	You have to have to have knowledge	12:56:28
14	of who put the lease together at the time and	12:56:30
15	the two parties would have to be the ones you	12:56:32
16	have to ask "What did you feel reasonable at	12:56:34
17	the time" if you're going to really read that	12:56:37
18	the right way.	12:56:38
19	Q. Does this give you pause at all	12:56:39
20	about your opinion that what was intended by	12:56:42
21	the drafters of the original deed was two	12:56:46
22	weeks?	12:56:50
23	A. I have no idea what the drafters	12:56:51
24	of the original deed -- I wasn't there. All	12:56:53
25	I know is what we've been operating on based	12:56:57

Transcript of Brent Chesney
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1	on since I've been here plus that short mor-	12:57:00
2	atorium.	12:57:03
3	So I have no idea what the intent	12:57:03
4	was and I don't think the intent is clear be-	12:57:06
5	cause they didn't clearly define it and you	12:57:08
6	know as a lawyer just like I do it's the four	12:57:10
7	corners; right? There's a contract, there's	12:57:13
8	a deed. That four corners does not clearly	12:57:15
9	articulate what the intent was, it just does	12:57:19
10	not and it's a shame that we can't figure out	12:57:23
11	together what it is but we seem to not be	12:57:26
12	able to.	12:57:28
13	I don't think there's any way of	12:57:28
14	reading that deed and knowing what the intent	12:57:30
15	was and this -- again, this is one Assistant	12:57:32
16	County Attorney who has no binding authority	12:57:36
17	on anything of anything and it doesn't read	12:57:39
18	in any way, shape, or form the way you have	12:57:43
19	interpreted it in my opinion.	12:57:46
20	It reads -- you have to know what	12:57:47
21	the two people at the time felt was reason-	12:57:49
22	able and there's no way we can know that. I	12:57:52
23	think there they're all deceased. So I don't	12:57:54
24	know how we resolve this other than reaching	12:57:57
25	an agreement or getting a Judge to rule and	12:58:00

Transcript of Brent Chesney
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1	I'm really sad by that.	12:58:03
2	Q. The County Attorney's opinion from	12:58:05
3	1968, would that be some indication of what	12:58:07
4	the people thought who drafted the deed?	12:58:10
5	MR. MARTINEZ: Object to the form	12:58:12
6	of the question.	12:58:12
7	A. What the County Attorney's opinion	12:58:12
8	is if it was written clearly and articulated	12:58:15
9	clearly? Is that what the deed -- I don't --	12:58:19
10	I'd be happy to look something like that and	12:58:22
11	to look at whatever the lawyer on the other	12:58:25
12	side said or the Jones Family of what their	12:58:27
13	intent.	12:58:31
14	It's the whole thing and you take	12:58:32
15	can't take part of whole. You have to have	12:58:36
16	-- for a contract, two minds have to meet so	12:58:39
17	you have to know what the intent is and we	12:58:40
18	weren't there.	12:58:43
19	Q. (By Mr. Hamel) You're a lawyer.	12:58:44
20	Do you know what "parole evidence" is?	12:58:45
21	A. I vaguely remember but you might	12:58:50
22	have to remind me. I haven't practiced in	12:58:51
23	long time.	12:58:52
24	Q. You used some terms, "meeting of	12:58:52
25	the minds," "four corners of the contract."	12:58:55

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1	If you are not able to determine	12:58:57
2	the intent of the parties based on a meeting	12:59:00
3	of the minds, beyond the four corners of the	12:59:02
4	contract, where do you look to try and make	12:59:03
5	that make determination if you're a Judge?	12:59:06
6	A. I assume you're going to tell me	12:59:07
7	parole evidence.	12:59:09
8	Q. I'm not going to tell you parole	12:59:10
9	evidence. Parole evidence would be evidence	
10	of the intent of both of the parties that's	12:59:11
11	outside the contract; right?	12:59:12
12	A. (No response.)	12:59:14
13	Q. You don't have to agree with me.	12:59:15
14	That's fine.	12:59:17
15	A. I'll take your -- for a hypothet-	12:59:18
16	ical discussion, I'll listen.	12:59:21
17	Q. So, if multiple County Attorneys	12:59:21
18	were of the opinion that what was intended by	12:59:24
19	"prohibiting extended overnight camping" was	12:59:27
20	no more than four days and three nights; the	12:59:30
21	attorneys in 1968, the attorneys in 1995, the	12:59:33
22	attorneys writing letters to the Jones Family	12:59:36
23	in 2000, they all determined "We don't know	12:59:38
24	when but it's been set informally at four	12:59:42
25	days and three nights."	12:59:45

Transcript of Brent Chesney
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1	Are you saying that that is no	12:59:46
2	evidence whatsoever of what the intent was	12:59:48
3	regarding the prohibition on length of stay	12:59:50
4	at Padres Balli?	12:59:54
5	MR. MARTINEZ: Object to the form	12:59:56
6	of the question.	12:59:56
7	A. I'm not saying that. I'm saying	12:59:56
8	that I do not agree with your assessment of	12:59:57
9	the evidence because you read this paragraph	13:00:01
10	completely differently.	13:00:03
11	Go back and read it the way you --	13:00:03
12	you're trying to get me to agree and -- but I	13:00:04
13	completely disagree with your interpretation	13:00:07
14	of that. So what I'm saying is I don't agree	13:00:09
15	with your interpretation of the evidence and	13:00:11
16	that's the problem we have.	13:00:13
17	Q. (By Mr. Hamel) You told me -- we	13:00:14
18	talked about living documents. The deed is	13:00:17
19	not a living document; right?	13:00:19
20	A. The deed is not a living document.	13:00:21
21	It is a living document if it gives us the	13:00:24
22	parameters in which we operate. It doesn't	13:00:28
23	evolve.	13:00:31
24	Q. Correct. So, whatever was meant	13:00:31
25	by "extended overnight camping," that was set	13:00:33

Transcript of Brent Chesney
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1	at the time the deed was filed; right?	13:00:36
2	A. I don't know that.	13:00:38
3	Q. If it's not a living document, how	13:00:41
4	could you not know that?	13:00:44
5	A. Because it doesn't say -- it does	13:00:44
6	not define it in number of days.	13:00:47
7	Q. And I understand that it doesn't	13:00:49
8	define it numbers of days. However, whatever	13:00:50
9	was meant by that was set in 1969; right?	13:00:50
10	MR. MARTINEZ: Object to the form	13:00:55
11	of the question.	13:00:55
12	A. I would have to say no based on	13:00:55
13	the fact there's no definition in the deed.	13:00:59
14	If the deed is not living, then you can't	13:01:02
15	make it a living documenting either.	13:01:04
16	The deed says "no extended" but	13:01:06
17	it doesn't define "extended" and I have seen	13:01:08
18	nothing anywhere in the deed and you asked me	13:01:11
19	about the deed that defines "extended." That	13:01:15
20	is the problem we're having.	
21	Had they said at the time -- they	13:01:17
22	shouldn't have said "extended." They should	13:01:19
23	have said "14 days" or "9 days" or "8 days"	13:01:21
24	but they didn't and that's the problem we're	13:01:25
25	having. All you have is a bunch of opinions	13:01:26

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1	that have come out based on no real evidence	13:01:29
2	because there is no real evidence of what the	13:01:33
3	definition is.	13:01:34
4	Q. (By Mr. Hamel) Gotcha. There's no	13:01:35
5	real evidence of what the definition is. So	13:01:37
6	I could just as easily be four days and three	13:01:40
7	nights as it could be two weeks.	13:01:44
8	A. It could be 30 days. It could be	13:01:45
9	100. I don't know. That's why we went to	13:01:47
10	the Court to ask for a Judge to give us some	13:01:49
11	direction because we couldn't come up with a	13:01:52
12	resolve and you were going to sue us if we	13:01:54
13	didn't do it.	13:01:56
14	Q. What I'm trying to understand is	13:01:56
15	it could just easily mean four days and three	13:01:59
16	nights as it could mean two weeks and the	13:02:01
17	evidence we have is that it was the opinion	13:02:03
18	of numerous people, numerous County Attorneys	13:02:04
19	and Board Members up until apparently around	13:02:10
20	2005, that this meant four days and three	13:02:12
21	nights; and you're telling me that you don't	13:02:15
22	think it does because ever since you've been	13:02:17
23	there it's been two weeks.	13:02:21
24	Why exactly is the 11 years that	13:02:23
25	you've been on the Commissioners Court better	13:02:24

Transcript of Brent Chesney
Conducted on August 19, 2025

1	evidence of what was meant by that than the	13:02:27
2	five decades that preceded it?	13:02:29
3	MR. MARTINEZ: Object to the form	13:02:31
4	of the question.	13:02:31
5	A. I don't agree with your evidence.	13:02:31
6	Again, you're testifying, if I was a Judge,	13:02:35
7	you'd be out.	13:02:36
8	You're testifying. I don't agree	13:02:38
9	with your evidence, that's my sworn testimony	13:02:39
10	because you say your evidence says there's	13:02:42
11	all these opinions that clearly articulate	13:02:45
12	that and I'm saying I don't agree with your	13:02:48
13	interpretation of the evidence.	13:02:49
14	That's the answer. I don't agree	13:02:50
15	with your interpretation of the evidence. I	13:02:52
16	don't agree with it because it wasn't clearly	13:02:54
17	defined and County Attorney opinions aren't	13:02:55
18	clear.	13:02:59
19	They might've asked questions or	13:02:59
20	they might've said: "Maybe this happens or	13:03:00
21	maybe this happens" but that's not evidence	13:03:03
22	of their opinions.	13:03:06
23	Q. (By Mr. Hamel) So what is your	13:03:08
24	evidence that it's two weeks?	13:03:09
25	MR. MARTINEZ: Object to the form	13:03:11

Transcript of Brent Chesney
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1	of the question.	13:03:11
2	A. My reason for going to a	13:03:11
3	Declaratory Judgment is because I don't	13:03:17
4	believe you're right, you don't believe I'm	13:03:20
5	right. I believe based on the fact we've	13:03:22
6	been operating that way and also based on the	13:03:25
7	federal definition that says it's at least 14	13:03:27
8	days and I get it, you said all of the other	13:03:30
9	caveats after that but the federal definition	13:03:32
10	defines it in a certain way; right, and 14	13:03:35
11	days seems to be the threshold so that's what	13:03:38
12	we have been operating under for a lengthy	13:03:40
13	period of time of which you basically said,	13:03:43
14	if we don't stop, you're going to file a law-	13:03:48
15	suit.	13:03:51
16	So yeah, you're right, we could've	13:03:52
17	waited for you to file a lawsuit; but why?	13:03:54
18	Y'all threatened this lawsuit for two years.	13:03:58
19	At some point, we've got move on.	13:04:01
20	You're client has taken some drone	13:04:03
21	footage and has been all over to the point	13:04:06
22	some of our patrons have complained they're	13:04:09
23	feeling harassed.	13:04:11
24	We're just trying to move on and	13:04:12
25	get on with this thing and the only way we	13:04:14

Transcript of Brent Chesney
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1	could figure out to do it was to go ask for a	13:04:17
2	Declaratory Judgment. We couldn't come up	13:04:22
3	with anything else. We ran out of options.	13:04:23
4	You've been involved in this for 6	13:04:25
5	months. I've been doing this for 10 years	13:04:27
6	while we've had complaints from your clients	13:04:30
7	about different things, threats of a lawsuit,	13:04:31
8	implications of a lawsuit.	13:04:32
9	So, yeah, I'm a little frustrated,	13:04:34
10	absolutely; but we waited years before we did	13:04:37
11	anything. It's not like we did it like knee	13:04:40
12	jerk. We waited years before we asked for	13:04:43
13	this Declaratory Judgment because it's been	13:04:46
14	years and years we've been implied threats or	13:04:48
15	threats of lawsuits on this issue.	13:04:52
16	This has gone on and not just this	
17	issue, any issue. Like every time we turn	13:04:55
18	around if we don't do the right thing we get	13:04:57
19	stuff -- we just ran out of time figuring out	13:05:01
20	what can we do and we can't figure out what	13:05:04
21	else to do and we just want to move on.	13:05:07
22	Q. Okay. You said that people have	13:05:09
23	been complaining about being harassed by my	13:05:11
24	clients.	13:05:14
25	Who complained?	13:05:14

Transcript of Brent Chesney
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1 A. You can talk to the Parks Board 13:05:15
2 about that. They had some people call asking 13:05:17
3 -- they don't know about your client. They 13:05:17
4 just wondered about the drones. 13:05:21
5 They don't know who your client is
6 but they just see the drones coming in taking 13:05:22
7 pictures of the license plates and stuff like 13:05:23
8 that and the asked "Why are they doing that, 13:05:26
9 why are they invading our privacy? Who is 13:05:28
10 it?" But they don't say "Brud Jones" because 13:05:31
11 they don't know who the person it. They just 13:05:34
12 wondered why there are drones constantly in 13:05:34
13 the park. 13:05:38
14 Q. I spoke with Scott Cross and he 13:05:38
15 didn't mention anything about that. 13:05:42
16 Invading your privacy? I mean,
17 it's public land; right? 13:05:43
18 A. I'm just telling you what it is. 13:05:45
19 Right, that's just part of the pattern that's 13:05:48
20 gone on and on and on. It's just part of the 13:05:51
21 pattern. 13:05:53
22 Q. Can you think of any issues about 13:05:54
23 why Nueces County wouldn't want people stay- 13:05:56
24 ing in the park for an extended amount of
25 time? 13:05:59

Transcript of Brent Chesney
Conducted on August 19, 2025

1	MR. MARTINEZ: Object to the form	13:06:02
2	of the question.	13:06:02
3	A. Why we wouldn't?	13:06:02
4	Q. (By Mr. Hamel) Yes. You talked	13:06:03
5	about revenue you said that, if there's a	13:06:05
6	prohibition on a shorter amount of time that	13:06:07
7	could be a revenue issue.	13:06:09
8	Can you think of any reason why	13:06:10
9	you wouldn't want people to stay in the park	13:06:12
10	longer?	13:06:15
11	A. In a public park where they are	13:06:16
12	paying to stay if it's not on the beach or	13:06:20
13	in the dunes, no. I mean, it never gets to	13:06:23
14	the point where it's 100 percent occupied so	13:06:30
15	people can't get in. We've always had good	13:06:33
16	reservations. People don't abuse it.	13:06:36
17	I'm sure you can come up with some	13:06:39
18	scenarios you can ask me about.	13:06:41
19	Q. First of all, you said "It never	13:06:42
20	gets to a point where it's too occupied."	13:06:44
21	I'm going to show you what I'm marking as	13:06:47
22	Exhibit 10 to your deposition.	13:06:49
23	Do you see that?	13:07:06
24	(Defendant's Exhibit Number 10 was	
25	marked for identification.)	13:07:58

Transcript of Brent Chesney
Conducted on August 19, 2025

1	A. Yes, sir.	13:07:08
2	Q. I'm scrolling down here. This is	13:07:08
3	a quote from Scott Cross. I asked him about	13:07:10
4	it. It says: "Right now we're so booked we	13:07:14
5	don't have any openings until March of next	13:07:17
6	year, that's how well business is going right	13:07:20
7	now."	13:07:23
8	What you told me is it never gets	13:07:24
9	to the point --	13:07:27
10	A. You can find that at any beach or	13:07:27
11	RV park, especially during winter. They're	13:07:30
12	all full. Business is --	13:07:33
13	Q. What you just told me was it's	13:07:33
14	never been at a point where it's at maximum	13:07:36
15	occupancy. So this would directly contradict	13:07:38
16	that; wouldn't it?	13:07:41
17	A. No. What I said was it's never	13:07:41
18	so full that people can't get in for lengthy	13:07:42
19	periods of time.	13:07:47
20	So we hope it is 100 occupied. We	13:07:48
21	absolutely want it to be 100 percent occupied	
22	and you're asking me if there's reasons and	13:07:52
23	I was just thinking out loud. I can't think	13:07:53
24	of any reasons why I wouldn't want people to	13:07:57
25	stay two weeks and that's all we're talking	13:07:58

Transcript of Brent Chesney
Conducted on August 19, 2025

1	about.	13:07:59
2	You're going into hypotheticals;	13:08:00
3	30, 60, 90 days. All I'm saying is I don't	13:08:02
4	think two weeks is a problem. So two weeks	13:08:06
5	isn't a problem except for y'all.	13:08:08
6	Q. But you wouldn't commit to me that	13:08:10
7	that was with a limited number of extensions;	13:08:12
8	right, so they could stay two weeks, leave	13:08:14
9	for a day, and then come back?	13:08:17
10	A. I can't commit to anything?	13:08:18
11	Q. I'm just asking what your opinion	13:08:19
12	is.	13:08:21
13	A. I'll be honest with you, I don't	13:08:21
14	give thought to it but I haven't gotten to	13:08:22
15	that thought because I didn't even know that	13:08:25
16	was on the table.	13:08:27
17	If it is and our attorneys haven't	13:08:27
18	told me, I'll take that up with Mr. Martinez	13:08:29
19	after the deposition. I don't know. All I	13:08:32
20	know is four days and three nights and we're	13:08:34
21	at two weeks. That's all I know.	13:08:36
22	Q. Right, and you can't think of any	13:08:37
23	issues. As long as people are there and they	13:08:40
24	are paying their bills and that's generating	13:08:41
25	revenue for the County, that's not a problem	13:08:43

Transcript of Brent Chesney
Conducted on August 19, 2025

1	for you?	13:08:45
2	A. Over two weeks, no. I mean, we	13:08:46
3	let people stay longer than that in the one	13:08:48
4	Port A and RV parks all up and down the coast	13:08:53
5	let people stay for way longer than that, as	13:08:55
6	long as they want to.	13:08:58
7	Q. Which RV parks let people stay as	13:08:59
8	long as they want to?	13:09:03
9	A. I think you can go find them up	13:09:03
10	and down the coast that don't have any time	13:09:05
11	limits on them. Pioneer. Go call Pioneer.	13:09:11
12	Q. So do you know there are RV parks	13:09:11
13	that let people stay as long as they want to	13:09:13
14	or are you just assuming that?	13:09:15
15	A. What I've been told is by people	13:09:16
16	that own RV parks is there's not time limits	13:09:17
17	on their stays but I don't know it firsthand.	13:09:20
18	That's just what I've been told.	13:09:23
19	I mean, I haven't gone and said	13:09:25
20	"Can you show me your books" or anything like	13:09:27
21	that, no; but I've been told by people that	13:09:28
22	own RV parks that they don't have limits on	13:09:30
23	their stays.	13:09:33
24	Q. Now I'll show you what I'm mark as	13:09:33
25	Exhibit 11 to your deposition.	13:09:36

Transcript of Brent Chesney
Conducted on August 19, 2025

1	Can you see that?	13:09:38
2	(Defendant's Exhibit Number 11 was	
3	marked for identification.)	
4	A. Yes, I can.	13:09:39
5	Q. I'll represent to you, after our	13:09:40
6	initial request and we then filed a Motion to	13:09:46
7	Compel, we received some additional records	13:09:49
8	from 2023 and 2024 regarding reservations and	13:09:51
9	I aggregated out from the reservations the	13:09:55
10	number of days that a man by the name of	13:09:59
11	Rafael Morales was in the park.	13:10:07
12	Do you see that?	13:10:08
13	A. I see it, yes.	13:10:09
14	Q. It would probably take another	13:10:09
15	three hours to do it but I'm to go through it	13:10:13
16	if you want me to but I can show you line by	13:10:14
17	line where I did it but I don't think anyone	13:10:15
18	wants to do that so you can just take my word	13:10:17
19	for it.	13:10:19
20	A. For the sake of whatever you need	13:10:19
21	to ask me, if I can answer it, I'll answer	13:10:22
22	it.	13:10:23
23	Q. So, specifically, we just saw that	13:10:23
24	article, the RV park was packed, there were	13:10:25
25	no reservation in June of 2024 through March	13:10:28

Transcript of Brent Chesney
Conducted on August 19, 2025

1	of 2025.	13:10:31
2	We see here that Mr. Morales was	13:10:32
3	staying for the last week of August, for the	13:10:35
4	entirety September, and for the first week of	13:10:38
5	October interrupted. Do you see that?	13:10:40
6	A. Yes, I see what you're pointing	13:10:43
7	at.	13:10:45
8	Q. So, to your mind, obviously that's	13:10:45
9	longer than two week but you don't take any	13:10:47
10	issue with that as long he's paying and other	13:10:53
11	people are available and they can come into	13:10:54
12	is park; right?	13:10:55
13	A. No, that's not what I said, I said	13:10:56
14	Padres Balli is a different animal. What I	13:10:58
15	said, in general terminology, other than the	13:11:00
16	fact that we have a restriction, I have no	13:11:03
17	issue with it happening at Port Aransas or at	13:11:05
18	Pioneer RV Park or anywhere else because that	13:11:11
19	is their business and they can run it the way	13:11:13
20	they have.	13:11:13
21	So I understand that we have some	13:11:14
22	restriction. They have to be clearly defined	13:11:15
23	and I want to follow those rules when I can	13:11:17
24	figure out what those rules clearly are by	13:11:21
25	definition.	13:11:24

Transcript of Brent Chesney
Conducted on August 19, 2025

1	Q. Those RV parks where people can	13:11:24
2	stay indefinitely, assuming that they exist,	13:11:27
3	do you happen to know whether or not they	13:11:29
4	would require anybody to provide an ID?	13:11:32
5	A. No idea.	13:11:34
6	Q. Do you know whether Padres Balli	13:11:35
7	requires anybody to provide an ID in order to	13:11:36
8	get a reservation at the park.	13:11:40
9	A. I don't know what their check-in	13:11:41
10	procedures are.	13:11:43
11	Q. So that was Exhibit 11. I'll show	13:11:43
12	you what I'm marking as Exhibit 12 to your	13:11:48
13	deposition. This is something I pulled from	13:11:52
14	the Texas Department of Public Safety's web-	13:11:57
15	site.	
16	Do you see that?	13:12:01
17	(Defendant's Exhibit Number 12 was	
18	marked for identification.)	
19	A. Yes, sir. Hold on one second.	13:12:02
20	MR. MARTINEZ: I need to object to	13:12:07
21	the exhibits. I need a lodge an objection.	13:12:09
22	MR. HAMEL: What's the objection?	13:12:15
23	MR. MARTINEZ: It's misleading.	13:12:17
24	Q. (By Mr. Hamel) You can see this	13:12:20
25	gentleman's name is Rafael Morales; right?	13:12:32

Transcript of Brent Chesney
Conducted on August 19, 2025

1	A. Yes.	13:12:32
2	Q. Let me tell you why I'm a little	13:12:33
3	concerned. This is from the Texas Public Sex	13:12:37
4	Offender website. Right down here we see --	13:12:40
5	just generally you understand sex offenders	13:12:43
6	are required to register their residence;	13:12:46
7	correct?	13:12:49
8	A. I'll take your word for it, yes.	13:12:49
9	I think that's right.	13:12:52
10	Q. There's a reason I'm concerned	13:12:55
11	about this -- I'll represent to you I don't	13:12:56
12	know if this is the same Rafael Morales. I	13:12:56
13	think probably Nueces County doesn't either.	13:12:57
14	We see here at the bottom that	13:12:59
15	unfortunately as of June of 2023 Mr. Morales	13:13:01
16	has no longer registered his address and is	13:13:05
17	listed as absconded.	13:13:10
18	Do you see that?	13:13:12
19	A. I do.	13:13:12
20	Q. Any concerns people being allowed	13:13:13
21	to stay in the park for extended periods of	13:13:18
22	time would potentially lead to individuals	13:13:21
23	such as Mr. Morales or others wanting to try	13:13:24
24	to stay in the park because there are less	13:13:28
25	restrictive residency requirements?	13:13:30

Transcript of Brent Chesney
Conducted on August 19, 2025

1	A.	So are you saying that this is the	13:13:32
2		Rafael Morales that was in our park?	13:13:35
3	Q.	I don't know. Do you know?	13:13:37
4	A.	I don't know who Rafael Morales	13:13:39
5		is. You're the one who brought this up. I	13:13:40
6		don't know.	13:13:42
7	Q.	Rafael Morales was the gentleman	13:13:42
8		who was staying for around 150 days in Padres	13:13:45
9		Balli in 2024.	13:13:48
10	A.	Right. So are you making -- what	13:13:49
11		I need to know is -- you are the one bringing	13:13:53
12		this evidence.	13:13:56
13		Is this the same Rafael Morales,	13:13:57
14		yes or no? You're asking me here -- you're	13:14:01
15		putting inflammatory information. If it's	13:14:02
16		the same Rafael Morales, then that's a whole	13:14:06
17		different line of questioning that we need to	13:14:09
18		have.	13:14:12
19		Rafael Morales as you well know is	13:14:12
20		a very common name. Is this the same Rafael	13:14:12
21		Morales or not?	13:14:16
22	Q.	I have no idea. I've asked for	13:14:17
23		information on reservations. It's never been	13:14:20
24		given to me.	13:14:22
25	A.	Did you ask for the IDs? Did you	13:14:23

Transcript of Brent Chesney
Conducted on August 19, 2025

1	-- well, that's probably some privacy stuff	13:14:25
2	there. I don't really know.	13:14:29
3	Are you saying this is the Rafael	13:14:30
4	Morales that was in our park?	13:14:32
5	Q. I'm saying that I don't know. My	13:14:33
6	concern is does Nueces County know whether	13:14:36
7	this is the same Rafael Morales?	13:14:38
8	A. You know I don't know. You know I	13:14:40
9	don't do the check-in. So you're just asking	13:14:44
10	me this to either inflame or the conversation	13:14:45
11	-- or did you ask Scott Cross about this?	13:14:47
12	Q. I did ask Scott Cross about this	13:14:50
13	and he said he didn't know either. He also	13:14:51
14	said he was concerned.	13:14:54
15	Has Scott Cross since his deposi-	13:14:55
16	tion approached you with any concerns regard-	13:14:56
17	ing getting IDs for people that are staying	13:14:59
18	in the park for extended periods of time	13:15:02
19	beyond two weeks?	13:15:04
20	A. No, but I'm not the person that he	13:15:04
21	would approach.	13:15:06
22	Again, I'm going to try to explain	13:15:08
23	my role. I'm not directly over Coastal Parks	13:15:08
24	the Coastal Parks Board is and he reports to	13:15:13
25	the Coastal Parks Board.	13:15:15

Transcript of Brent Chesney
Conducted on August 19, 2025

1	He's a County employee and it's a	13:15:16
2	statutory board, so anything like that would	13:15:18
3	go to the Coastal Parks Board for direction	13:15:20
4	and they would be the ones he would go to.	13:15:23
5	He wouldn't come to me because they put in	13:15:27
6	those restrictions. They put in those rules	13:15:30
7	and regulations. They put in how that works.	13:15:32
8	Now, I'm going to go find out now	13:15:36
9	because you brought it to my attention and I	13:15:37
10	am going to check and see who this guy was or	13:15:39
11	what the situation is because you've alerted	13:15:42
12	me to the fact this may have happened and, if	13:15:44
13	it did, it would cause me great concern; but,	13:15:46
14	at the end of the day, you don't know whether	13:15:50
15	this happened or not.	13:15:53
16	You're providing a hypothetical	13:15:53
17	and that's fine. You have a right to do that	13:15:55
18	but now I'm going to go -- it's been brought	13:15:57
19	to my attention so I'm going to go do some-	13:16:00
20	thing about it.	13:16:03
21	Q. Last question and we can take a	
22	break. You just said the Parks Board is the	13:16:04
23	one that sets the rules and regulations and	13:16:06
24	all that stuff; right?	13:16:08
25	A. Yes.	13:16:08

Transcript of Brent Chesney
Conducted on August 19, 2025

1	Q. Correct me if I'm wrong but way	13:16:09
2	back at the beginning of your deposition what	13:16:11
3	you told me is the Parks Board is "ancillary"	13:16:12
4	and whether they had an opinion regarding a	13:16:14
5	length of stay or not is not binding on the	13:16:17
6	Commissioners Court at all.	13:16:20
7	So which one is it? They set the	13:16:21
8	rules and regulation but --	13:16:23
9	A. No. I just said in general terms	13:16:24
10	whether anybody had an opinion; Parks Board.	13:16:26
11	They can regulate the stay if they choose to	13:16:31
12	but I meant, if one single Parks Board member	13:16:35
13	says "I think this," if the Parks Board makes	13:16:37
14	a decision as a body, that stands.	13:16:42
15	If one Parks Board member which is	13:16:45
16	what you quoted me early on in the deposition	
17	was one Parks Board said they talked to one	13:16:48
18	County Attorney, that's irrelevant unless an	13:16:50
19	action was taken.	13:16:52
20	That's like me having a discussion	13:16:54
21	with you or one member of the Court, unless	13:16:55
22	there's a vote on it, it's just a discussion.	13:16:57
23	So what I said was one Parks Board	13:16:59
24	member, their opinion doesn't matter to the	13:17:02
25	overall. It has to be the Body's vote. It	13:17:05

Transcript of Brent Chesney
Conducted on August 19, 2025

1	has to be the Parks Board vote. It has to be	13:17:08
2	the Commissioners Court vote. That's what I	13:17:10
3	said.	13:17:14
4	Q. If there was a Park Board vote in	13:17:14
5	the past where they voted and they said "We	13:17:18
6	interpret this as four days and three nights"	13:17:19
7	that would be binding?	13:17:22
8	A. It would be binding at that point	13:17:23
9	if they set a policy just like if another one	13:17:26
10	came around and set another policy.	13:17:29
11	Q. So by "binding" you mean unless we	13:17:31
12	want to change it it's binding?	13:17:33
13	A. That's how Government works, sir.	13:17:36
14	Policies change all the time. You know that	13:17:38
15	because you're a very smart intelligent man.	13:17:41
16	We change policies all the time and that's a	13:17:42
17	policy and that's what we do.	13:17:46
18	One court can change the policy of	13:17:48
19	another court next year and, if I'm not here,	13:17:50
20	the next Commissioner can have a completely	13:17:54
21	different opinion and can get a completely	13:17:57
22	different result. That's how it works.	13:18:00
23	Q. If hypothetically my clients were	13:18:01
24	to enter into an agreement with this Commis-	13:18:05
25	sioners Court about what the length of stay	13:18:06

Transcript of Brent Chesney
Conducted on August 19, 2025

1	means, is that a policy that could be changed	13:18:09
2	by a future court?	13:18:11
3	A. Not if it's a judgment. Come on,	13:18:13
4	you know the answer to that.	13:18:14
5	Q. I didn't say "judgment." I said	13:18:14
6	"agreement." You're the one talking about	13:18:14
7	wanting to come to the table and reach an	13:18:16
8	agreement.	
9	So, if there's an agreement, what	13:18:18
10	guarantee would my clients have the policy	13:18:20
11	down the road wouldn't change?	13:18:22
12	A. Because it's not a policy anymore.	13:18:23
13	It's an agreement. It's part of the lawsuit.	13:18:27
14	Q. It's a written contract laying out	13:18:29
15	the terms of the relationship; right?	
16	A. Right. Absolutely.	
17	Q. Like a deed restriction?	
18	A. No, not like a deed restriction	13:18:34
19	because the deed restriction is not defined.	13:18:35
20	It's a defined agreement between two parties	13:18:37
21	involved in a lawsuit. That's binding. That	13:18:42
22	is a court order and we all have to follow	13:18:44
23	those.	13:18:46
24	So that's totally different than	13:18:47
25	interpreting a deed restriction because that	13:18:49

Transcript of Brent Chesney
Conducted on August 19, 2025

1	is clearly defined.	13:18:51
2	Again, I wish they had thought to	13:18:53
3	put in the number of days and we wouldn't be	13:18:56
4	here. I'm sorry they didn't but I appreciate	13:18:58
5	their generous donation and we try to be good	13:18:59
6	stewards of it and enhance it and make it as	13:19:02
7	public use as possible and try to reply to	13:19:06
8	all their concerns but sometimes we don't get	13:19:06
9	them all the way they want to and that's why	13:19:08
10	we're here unfortunately.	13:19:10
11	Q. And this is the last thing I have.	13:19:10
12	Regarding the mitigation, is it your position	13:19:12
13	that that violated the deed restriction but	13:19:15
14	because it has been corrected it's no longer	13:19:18
15	a violation?	13:19:21
16	MR. MARTINEZ: Object to the form	13:19:23
17	of the question.	13:19:24
18	A. We did not get to the legal --	13:19:24
19	that's what I said earlier if you remember.	13:19:26
20	We didn't ever get to the legal discussion	13:19:28
21	on whether it violated it. We were just so	13:19:30
22	bothered that it was unauthorized and we were	13:19:32
23	trying to accommodate your Cease and Desist	13:19:34
24	letter. We didn't have a legal discussion on	13:19:39
25	whether it did or didn't.	13:31:52

Transcript of Brent Chesney
Conducted on August 19, 2025

1	I haven't gone into to be honest.	13:19:41
2	We were just trying to fix it as fast as we	13:19:41
3	could in the best way we could to accommodate	13:19:44
4	your client's request and because it was un-	13:19:49
5	authorized we never had a lawyer tell us if	13:19:51
6	violated or didn't violate because it wasn't	13:19:53
7	authorized and we were just trying to get it	13:19:54
8	undone as best we could.	13:19:56
9	I get it, it didn't move as fast	13:19:57
10	as you probably wanted it to and I'm really	13:20:00
11	sorry for that and I wish Government moved	13:20:02
12	faster.	
13	We tried the best we could and we	13:20:03
14	sincerely worked on it. We tried to get it	13:20:04
15	done as best we could and we got it down and	13:20:07
16	it just -- and there was no harm being done	13:20:10
17	by the delay and we got it done. It's just	13:20:12
18	sometimes Government doesn't move as fast as	13:20:16
19	business does and believe me I know that.	13:20:20
20	MR. HAMEL: Let's take a quick	
21	break.	
22	(Short recess.)	13:31:32
23	MR. HAMEL: Commissioner Chesney,	13:31:49
24	thank you. That's all the questions I have	13:31:49
25	for you.	13:31:52

Transcript of Brent Chesney
Conducted on August 19, 2025

1 MR. MARTINEZ: We will reserve our
2 question for the time of trial.

13:31:54

13:31:55

3 COURT REPORTER: Do you both want
4 Etrans with the exhibits?

5 MR. HAMEL: Yes, please; and I'll
6 E-mail you the exhibits.

7 MR. MARTINEZ: I'll take an Etran
8 as well.

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Transcript of Brent Chesney
Conducted on August 19, 2025

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CAUSE NO. 2024CCV-00001-1

NUECES COUNTY, TEXAS,)
Petitioner,)
vs)
JONES FAMILY TRUST AND)
LAURENCE R. JONES, III,))
INDIVIDUALLY AND AS THE)
REPRESENTATIVE OF THE)
JONES FAMILY TRUST,)
Respondents.)

REPORTER'S CERTIFICATION OF ORAL DEPOSITION OF
BRENT CHESNEY

Taken on August 19, 2025

I, Susan Bell, CCR, CSR, Certified Shorthand
Reporter in and for the State of Texas, herby certify the
following:

That the Witness, BRENT CHESNEY, was duly
sworn by the officer and that the transcript of the oral
deposition is a true record of the testimony given by the
witness;

That pursuant to information given to the

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1 deposition officer at the time said testimony was taken, the
2 following includes counsel for all parties of record:

3
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19
20 I further certify that I am neither for counsel,
21 related to, nor employed by any of the parties or attorneys
22 in
23 the action in which the proceeding was taken and further I
24 am
25 not financially or otherwise interested in the outcome of

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such
action caption.

Further certification requirements pursuant to Rule
203 of TRCP will be certified to after they have occurred.

Certified to me this day, the 31st of August,
2025.



Susan Bell, Commissioner

TX-CSR#14 EXPIRES: 9/30/2025

COMMISSION EXPIRES: 10/26

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