

# Hays County Commissioner

Precinct 4



Walt Smith

195 Roger Hanks Parkway, Dripping Springs, Texas 78620

To: Sheri Miller, Hays County Human Resources  
From: Walt Smith, Precinct 4 Commissioner  
Subject: Annual Evaluation of Alex Villalobos, Hays County Chief of Staff  
Date: March 2, 2021

In my preparation of the current annual review for Department Heads, some very troubling items have come to light which provide me with great concern relative to the continued employment of Alex Villalobos with Hays County and specifically his role as Chief of Staff.

As you know, in August of 2019 the Commissioner's Court moved the position of Chief of Staff from an internal one within the office of the County Judge to one answering directly to the Court. This change shifted the position to a chain of command and supervision similar to all other department heads within the county. At that time, it was made clear the expectation of the court was that Mr. Villalobos engage with each court member and keep them informed of his actions in this capacity. Additionally, due to continued concerns, this action was further clarified in February of 2020. At that time, upon learning that Mr. Villalobos had videotaped an advertisement for a political campaign with the assistance of another employee of the county during business hours in the Courthouse, he was instructed by the court to produce written timesheets which would clarify when he conducted specific activities. These written timesheets were requested in addition to the basic electronic timesheets which every employee of the county must produce in order to protect both Mr. Villalobos and the county from the concern that Mr. Villalobos was conducting non-county related activities while being compensated by the county. The purpose of this additional timekeeping was to clarify to the Court members the work being done on behalf of the county while providing an avenue for interaction between Mr. Villalobos and the members of the court. Mr. Villalobos, to my knowledge, never turned in any written timesheets from that time forward. In fact, of the electronic timesheets required by all county staff, Mr. Villalobos refused to turn in any type of timekeeping for over four months, and

somehow continued to get paid by the county. What is just as concerning is that according to one set of time sheets, it appears the Mr. Villalobos has conducted less on average than 3 hours a week in the last two months as Chief of Staff.

This omission of timesheets came to light in January when I requested from the Auditor's office an accounting of the items presented by the county for reimbursement for CARES Act funding and was told the timekeeping for employees was incomplete. I then further researched and found that of the over 1100 employees in the county, exactly 1 had not turned in their timesheets for the period from September 30, 2020 to January 12, 2021. That lone employee was Mr. Villalobos. When the Court chose to begin reviews of department heads in February 2021, it became clear that Mr. Villalobos, upon learning that he would be reviewed, immediately began submitting electronic timesheets in the days just prior to his evaluation. When asked in his review, he stated, in fact, he had not done even the basic timekeeping expected of every employee in months. When asked about the fact he had chosen to not do the written timesheets required by the Court, he stated that he had in fact completed them and had been giving them to his "direct supervisor". Again, it was made very clear in discussions with Mr. Villalobos in court in both August of 2019 and again clarified in February of 2020 that he in an employee of the Court and as such, an employee of each Commissioner and he was instructed to present those written timesheets to the members of the Court. This is where the actions of Mr. Villalobos become the most troubling. Specifically, Judge Becerra then produced a set of written timesheets which Mr. Villalobos had given to him for the year 2020. These timesheets purport to identify Mr. Villalobos' actual activities on a daily basis as instructed by the court. Judge Becerra handed me these documents and with just a cursory review, it became apparent that either the electronic timesheets filed with the county, or the written timesheets, were indeed falsified. Several dates offer conflicting accounts of the work performed, or not performed, by Mr. Villalobos. The most obvious and concerning of which is the claim of working a full 8-hour day specifically between the hours of 9:00am and 6:00pm on election day, November 3, 2020. Mr. Villalobos claimed on his written timesheet that on that date he spent three hours on county administration, but more disturbing, is his claim that that day he spent two hours on hurricane preparedness, an hour picking up personal protection equipment (PPE), and two hours preparing a State of Texas Assistance Request (STAR) for nursing staff before going off duty at 6:00pm. Each of these activities would have been valid, if they had occurred. Unfortunately, hundreds of our county citizens witnessed Mr. Villalobos actively campaigning for office and at polling locations on multiple days at the exact same times which he claims to have been conducting these actions on behalf of the county. A further review of the written timesheets shows additional inconsistencies ranging from whole weeks missing, to instances where Mr. Villalobos has purported to be on duty while posting on social media his location distributing signs for campaigning during specific hours. What is further disturbing is that as a portion of Mr. Villalobos' salary is used as justification for a Federal Emergency Management Agency (FEMA) Emergency Management Performance Grant (EMPG) the county receives, his time must be kept for auditing purposes for that as well. According to the County Auditor's Office, as of this morning, Mr. Villalobos has chosen to not turn in or track the time needed to justify the grant for over 10 months with his last

submission dated April 22, 2020. I fear this directly jeopardizes the county as to the continuation of this federal grant and that if audited, the hours which have been presented as credit for this funding would stand in direct conflict to the timesheets submitted for county use. (Attachment A)

The insubordinate nature of these actions are just the most recent, and not limited to the current timesheet situation and Mr. Villalobos. I have noted a pattern of at best misleading statements and at worse direct falsehoods by Mr. Villalobos to the court since the early stages of his employment with the county. While this is by no means an extensive list, these few examples show a pattern of character and action toward the Court that is concerning.

- 1.) Shortly after Mr. Villalobos was appointed by the court in early 2019, a private citizen of the county shared public comments during the March 12, 2019 Commissioners Court outlining possible issues with Mr. Villalobos' record and asking the Court to reconsider his appointment as a reserve deputy constable on that date. This citizen stated he had worked alongside Villalobos at Texas State and that he had concerns over the appointment, as there were serious issues related to the use of law enforcement resources for personal matters and the hiring practices instituted by Mr. Villalobos. Then-Constable Ray Helm stated his support of Mr. Villalobos and that Alex had used a public database while in uniform and was indeed on the Brady List for doing such, however he believed in him as an employee. Mr. Villalobos then spoke to the court, never addressing the specific accusations. I supported Alex's appointment that day and wished him well in the new position while asking that he recuse himself from any decisions as Chief of Staff related to the Constable's office in order to avoid any possible conflicts of interest. Mr. Villalobos subsequently made public comments that he had in fact only used a database to research a piece of property once. Following the citizen comments and the inconsistent story, I submitted a public information request to Texas State University to procure the documents which would clarify the situation. What I found was that, in fact, during the trial of Mr. Villalobos' brother on Federal racketeering charges it appears he used law enforcement databases to investigate individuals attached to the trial. When this was reported to the Hays County District Attorney's office, and inquiry was made and when investigated, Mr. Villalobos initially denied the accusations. When presented with evidence of his use and login data, he then recanted and admitted to his actions. This information would have been vital the members of the Court in determining the viability of Mr. Villalobos as a reserve deputy constable and I believe would have directly impacted the action taken by the Court. Moreover, this action began the establishment of what I believe is a pattern of either purposeful omission or direct untruths meant to mislead the decisions of his supervisors, the Court, which equates to direct insubordination. (Attachment B)

- 2.) As previously mentioned, in August 2019 during the Court's discussions related to the budget, the Court chose to move the position of Chief of Staff from the Office of the Judge to oversight from the Court as a whole. The discussions in open Court prompted this move as there was a direct concern as conflicts of interest appeared to be present in Mr. Villalobos' interactions as the County Chief of Staff and as a member of the Kyle City Council. Specifically, after committing to recuse himself from conversations and issues where a conflict might arise, he continued to participate in discussions related to these issues. When this issue was raised, he admitted to continuing in these City Council discussions which were public and available for viewing online. These actions directly contributed to the decision by the Court to move his supervision to the Court as a whole and out of the Office of the County Judge.
- 3.) Upon the resignation of the County's Emergency Services Director (ESD) in 2019, Mr. Villalobos was asked to assist with the evaluation in the hiring process of a new ESD. In that process, he developed a scoring matrix which was to be used to evaluate candidates. The purpose of this was to specifically identify needed qualifications and to exclude the names of candidates in order to select the best candidate without biasing the process. Prior to the development of this scoring matrix and the rewriting of the job description to be used for this position, Mr. Villalobos received a resume from a possible candidate and the matrix itself was drafted to reflect this candidate's resume and qualifications. At the same time, Mr. Villalobos also requested the resume from the Hays County Human Resources Department of the Acting ESD Mr. Justin McInnis. When pressed on these issues in open court Mr. Villalobos denied making the specific changes to the job description, and in court on August 29, 2019 I specifically asked if he had ever received a resume from the candidate and he stated that he had not. In reviewing emails, it appears obvious that Mr. Villalobos did receive the resume prior to producing the edited the job description and the scoring matrix and used it to manipulate the process in favor of the candidate and in opposition to another, then lied to the Court when these actions were uncovered.
- 4.) In March of 2020 as the County began to respond to the Covid-19 pandemic, the County Judge announced the establishment of the Hays County Covid Task Force, a collaboration between several private companies and the county which would have included the procurement of 50,000 Covid tests. According to a press conference held in Austin, these tests would be distributed through a local retailer. This information was not shared with the Court, however, announced via the previously mentioned press conference. Regardless of the validity of the tests and the process itself, I personally called Mr. Villalobos and asked him if he knew of the arrangements with these companies and the press conference and about any arrangement with the local retailer as had been reported. Mr. Villalobos specifically denied any knowledge of the companies and press conference and even went so far as to state he had no knowledge of a press conference until he arrived at the location where it was occurring. I even confirmed these facts by asking them again in open court the following week and Mr.

Villalobos again denied any knowledge of the actions of these companies, the press conference, or anything related to their work with the county. These statements by Mr. Villalobos were found to be obviously false after reviewing emails that proved not only was he aware of the companies and the press conference, but edited drafts of the press release used and even edited proposed contracts with these companies. Again, these actions equate to clear insubordination. (Attachment C)

Again, while this is by no means an exhaustive list of the items of concern with Mr. Villalobos' employment, I do believe that these examples should give the members of the Court and the citizens of Hays County concern at such a level which would facilitate the end of employment with the County. As elected officials and employees of the citizens of Hays County, there is a level of trust which must be maintained, and I feel that basic level of trust has been lost and cannot be regained by Mr. Villalobos.

Please let me know should you have any questions, comments to share, or require any additional information as to the issues outlined in this letter. I am always available to you and your staff.

Sincerely,

A handwritten signature in black ink, appearing to read 'Walt Smith', with a long horizontal flourish extending to the right.

Walt Smith

Precinct 4 Commissioner