

# Town Hall Meeting

by

Commissioner Rich Paces

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# Agenda

- 2026-27 County Budget
- Adopting Roads for County Maintenance?
- 2026 Precinct 2 Road Maintenance Plan
- Flood Warning System Update
- GOP Primary Runoff Hand Count
- BESS Update
- Howard – Solstice 765 kV Transmission Line

# Kerr County Budget

	Approved 2023-24	Approved 2024-25	Approved 2025-26
• Tax Rate	0.4300	0.4233	0.4024
• Starting Reserve Balance	\$24.0 mm	\$32.2 mm	\$27.3 mm
• Estimated Property Tax Revenue	\$31.8 mm	\$32.6 mm	\$31.8 mm
• Estimated Non-Property Tax Revenue	\$23.5 mm	<u>\$19.8 mm</u>	<u>\$19.1 mm</u>
• Total Revenue	\$55.3 mm	\$52.5 mm	\$50.9 mm
• Non-Recurring Major Expenditures	\$16.9 mm	\$14.5 mm	\$8.7 mm
• Recurring Expenditures	\$46.1 mm	<u>\$52.5 mm</u>	<u>\$54.8 mm</u>
• Total Expenditures	\$63.0 mm	\$66.9 mm	\$63.5 mm
• Deficit	<b>\$7.7 mm</b>	<b>\$14.5 mm</b>	<b>\$12.7 mm</b>
• Est. Ending Reserve Balance	\$16.3 mm	\$17.8 mm	\$14.6 mm
	(25.9)	(26.6%)	(23.0%)

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*Kerr County department heads have a history of over budgeting and under spending.*

# Impact on Your County Property Taxes *in 2026*

	<u>Amount</u>
• Over 65 yrs old & taxes frozen in '24 or before	\$0
• Average Increase - No New Revenue Rate (0.4024)	\$74
• Average Increase - Current Rate (0.4233)	\$155

*Based on average home valued at \$360,000*

*A no new taxes rate of 0.3831 as proposed by Commissioner Paces would have resulted in an Estimated Ending Reserve Balance of \$13.1 mm (20.6%)*

# Annual Audited Financial Statements

During the recent primary election there was a lot of rhetoric about the county budget, some of it untrue - Key Points:

- Revenues have not outpaced expenditures
- Expenditures continue to rise, due to inflation and growth  
*(primarily in our Sheriff's Department)*
- There is NO accumulated excess revenue
  - Unspent funds & cash reserves are carried forward to the next FY, and are included in the Cash and Cash Equivalents budget line
- TAC strongly recommends maintaining a 25% reserve balance
  - 2025-26 budget was the 1<sup>st</sup> time the projected balance was less than 25%
- **No New Revenue Tax Rates** were approved each of the last 7 years
  - Kerr County Appraisal District adjusts Property Values
  - As property values increase, the Commissioners Court adjusts the tax rate downward to keep average county property taxes the same

# Annual Audited Financial Statements (2018-2019 to 2024-2025)

Kerr County Annual Statements	<u>2025</u>	<u>2024</u>	<u>2023</u>	<u>2022</u>	<u>2021</u>	<u>2020</u>	<u>2019</u>	<i>Fiscal Year ending Sept. 30th</i>
<b>REVENUES</b>								
Program Revenues:								
Charges for Services	\$7,111,342	\$5,978,249	\$5,988,570	\$5,318,665	\$5,035,380	\$4,658,242	\$5,382,239	
Operating Grants and Contributions	\$3,953,838	\$1,621,623	\$1,655,362	\$3,566,547	\$2,610,535	\$1,698,221	\$197,062	
Capital Grants and Contributions	\$2,679,147	\$6,520,632	\$6,535,263	\$8,104,099	\$3,076,953	\$4,048,278	\$10,017,576	
General Revenues:								
<b>Property Taxes</b>	<b>\$32,780,568</b>	<b>\$31,644,714</b>	<b>\$26,902,322</b>	<b>\$26,202,838</b>	<b>\$25,440,917</b>	<b>\$24,512,039</b>	<b>\$22,650,633</b>	<i>45% increase</i>
Sales Tax and Other Tax	\$7,024,438	\$6,727,781	\$6,885,514	\$6,584,873	\$5,792,948	\$5,117,719	\$4,995,313	<i>41% increase</i>
Investment Earnings	\$2,296,444	\$2,493,390	\$1,838,643	\$261,609	\$39,657	\$258,352	\$647,055	<i>6.3% ave inc/yr</i>
Miscellaneous Revenues	\$794,660	\$414,234	\$344,811	\$99,991	\$405,029	\$302,262	\$327,331	<i>(mostly growth related)</i>
Special Item - Airport Joint Venture	\$1,217,219	-\$249,408	\$326,129	\$307,286	-\$80,413	-\$194,713	-\$249,014	
<b>TOTAL REVENUES</b>	<b>\$57,857,656</b>	<b>\$55,151,215</b>	<b>\$50,476,614</b>	<b>\$50,445,908</b>	<b>\$42,321,006</b>	<b>\$40,400,400</b>	<b>\$43,968,195</b>	<i>32% increase 43% (2020-2025)</i>
<b>EXPENSES</b>								
General Government	\$9,367,013	\$7,795,078	\$7,770,576	\$5,177,048	\$6,545,874	\$6,367,020	\$6,047,438	
Judicial	\$6,368,130	\$7,091,466	\$6,436,140	\$6,322,721	\$6,556,279	\$5,524,875	\$6,184,240	
Public Safety	\$13,510,632	\$11,598,972	\$10,913,808	\$7,436,366	\$8,976,833	\$8,617,299	\$8,573,389	
Corrections	\$8,622,691	\$7,685,351	\$7,001,800	\$5,305,481	\$6,140,403	\$5,915,822	\$5,837,990	
Infrastructure & Environmental Services	\$9,426,381	\$6,470,869	\$6,394,964	\$5,759,887	\$5,646,800	\$5,253,040	\$5,648,921	
Health and Social Services	\$1,528,119	\$1,691,928	\$1,635,408	\$624,152	\$1,274,302	\$1,254,122	\$1,253,557	
Community and Economic Development	\$1,068,691	\$929,755	\$867,954	\$749,397	\$890,316	\$937,304	\$812,090	
Interest on Long-Term Debt	\$1,230,904	\$1,070,776	\$847,572	\$681,356	\$679,477	\$865,146	\$1,009,945	
<b>TOTAL EXPENSES</b>	<b>\$51,122,561</b>	<b>\$44,334,195</b>	<b>\$41,868,222</b>	<b>\$32,056,408</b>	<b>\$36,710,284</b>	<b>\$34,734,628</b>	<b>\$35,367,570</b>	<i>45% increase</i>
Increase (Decrease) in Net Position	\$6,735,095	\$10,817,020	\$8,608,392	\$18,389,500	\$5,610,722	\$5,665,772	\$8,600,625	
Net Position at Beginning of Year	\$119,067,148	\$108,250,128	\$99,641,736	\$81,252,236	\$74,654,495	\$68,988,723	\$60,388,098	
Net Position at End of Year	\$125,802,243	\$119,067,148	\$108,250,128	\$99,641,736	\$81,252,236	\$74,654,495	\$68,988,723	
<b>* EOY Balance Carried Forward:</b>	<b>\$6,735,095</b>	<b>\$10,817,020</b>	<b>\$8,608,392</b>	<b>\$18,389,500</b>	<b>\$6,597,741</b>	<b>\$5,665,772</b>	<b>\$8,600,625</b>	

*Note: \* Prior year cash reserves & unspent funds are carried forward to the next year.*

# Kerr County Road Maintenance

- County Area: 1107 sq miles
- Total road linear mileage within Kerr County is ~ 1400 (*excluding Kerrville and Ingram*)
- KC Road & Bridge maintain:
  - 465 linear miles of road surface and right-of-ways
    - All county-maintained roads are paved with a chipseal surface.
    - Roads are scheduled to be resurfaced every 10 years
  - 18 bridges
  - Several low water crossings
  - Ingram Dam, Flatrock Park Dam and Lion's Park Dam
  - School zone lights for Nimitz Elementary, Ingram Elementary and Our Lady of the Hills College Prep.
- TX-DOT maintains ~ 298 miles of roads in Kerr County
- **~ 640 miles of privately maintained roads** in Kerr County.

# Kerr County Road Maintenance

- For a private road to be maintained by Kerr County, the road must be brought up to the Kerr County standards
- The cost to bring 640 miles of privately maintained roads up to KC standards would be > **\$320 million**
  - Would require a bond to be passed by a majority of KC voters
  - R&B Department would need to double in size
  - Additional equipment would be needed to maintain the new roads
  - Property taxes would increase!
- Adding to the problem: Developers no longer have to plat their properties or obtain any county approval if their lots are > 10 acres (*can subdivide via meets and bounds & file with the county clerk*)
  - No obligation to provide roads to any standard
  - Once all lots are sold, developers disappear and homeowners are on their own
  - Properties on county maintained roads are valued higher (buyers pay a premium)
- Buyer Beware!
  - *when buying a property not on a TX-DOT, County or HOA maintained road!*
- County Property Taxes go toward maintaining **lateral / connecting roads**

# 2026 Pct. 2 Road Maintenance Plan

- Completed:
  - Elm Pass – 6 miles including 3 miles of reconstructed road
    - First 0.4 mile stretch from Hwy 480 delayed due to need to improve drainage (now complete)
    - Further delay on all projects due to vandalism and theft of parts, in particular, a critical control panel from the chip spreader
  - Boxwood, Booster and Tallwood reconstructed and chip sealed (2 coats)
  - Riverview & Willow Bend chip sealed
  - Program was delayed due to equipment vandalism



# Flood Warning System (FWS) Update

- FWS Definition Team:
  - Tom Moser (Lead),
  - Bill Rector (UGRA),
  - Rich Paces (Kerr County),
  - Ray Howard (City of Ingram),
  - Jonathan Letz (LTRWG),
  - Dub Thomas (EMC)
- Gathered “lessons learned”, best practices and experience with FWS from other flooding events, e.g. Estes, CO, Blanco River, San Antonio River Authority, North Carolina
- Established Requirements for the Design, Development, Testing and Evaluation for the FWS backbone and all components
- Prepared Requests for Proposals (RFPs)

# Flood Warning System Project Goals

- Increase available information related to flooding
  - Clear, timely information
    - Rain gauge data
    - Flow gauge data
    - Video camera data?
    - NWS data
    - Hydrologic model
  - Expand gauge network
- Enhance public safety
- Improve emergency response
- Expand public communication layers
- Leverage experience to other communities

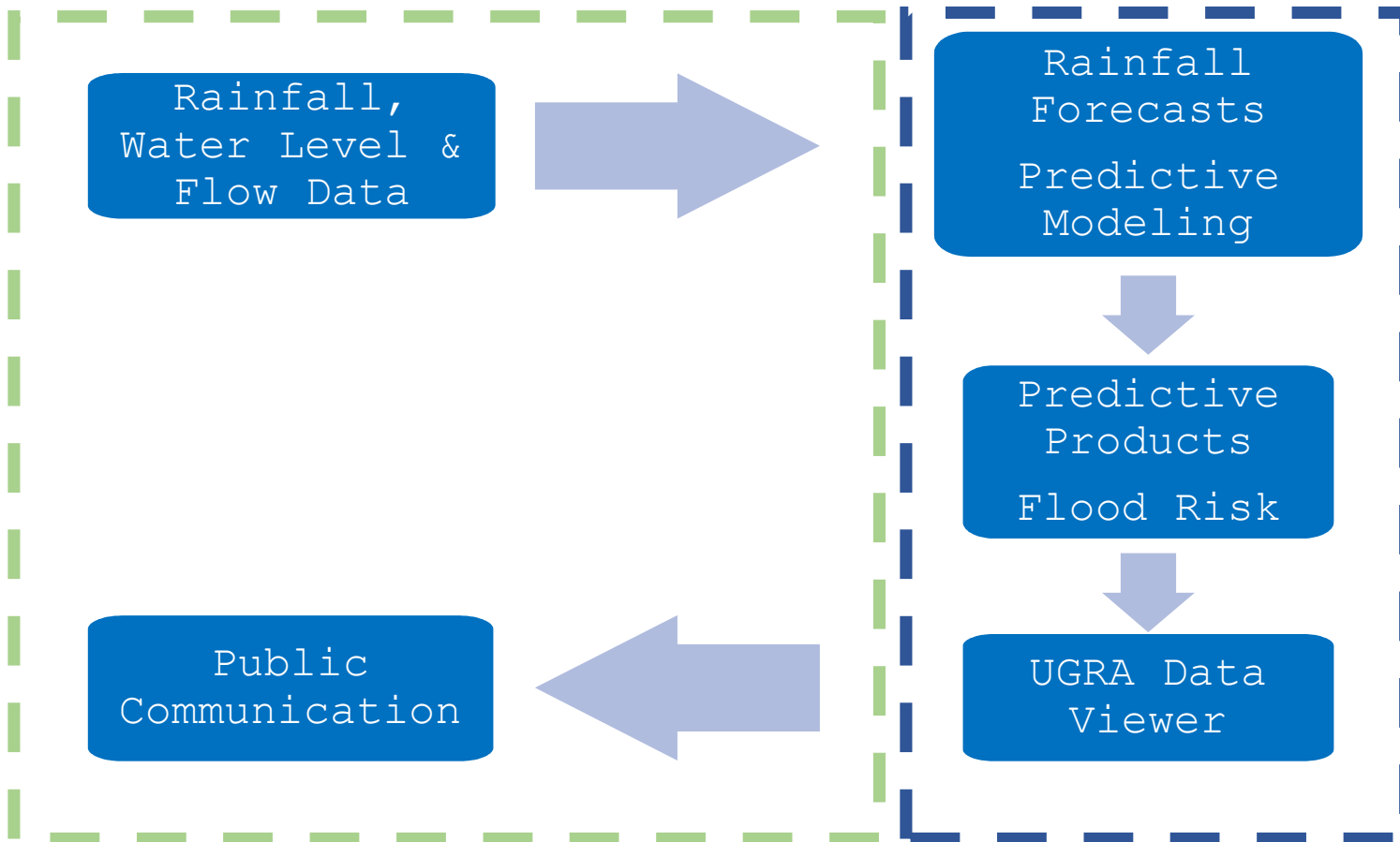


# FWS – Current Status

- Currently 46 rain gauges and 9 river gauges support the GRFWS and are viewable on the UGRA watershed dashboard (RiverHub)
- TWDB provided \$1.25 million
- Purchased 8 sirens, 6 are installed & functioning
- Additional funding is being sought for more sirens and more gauges
- Additional USGS gauges & West Texas Mesonet weather stations planned
- Backbone is functional (hydrologic model prepared, historic data included, rain gauges & flow meters connected, RiverHub dashboard is working)



# Comprehensive System



# Kerr County and UGRA Collaboration

- Agreement between Kerr County and UGRA
- Managing SB3 funds and procurement
- UGRA Board utilizing dedicated funds to expedite and advance implementation
- Overseeing planning, design, procurement, outreach, and implementation
- Coordinating with stakeholders (landowners, public, elected officials, etc.)



*TWDB Siren Guide includes requirements and best-practices for flash flood warning sirens*



## GUADALUPE RIVER FLOOD WARNING SYSTEM WORKING GROUP

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### Group includes:

- Emergency Managers
- Police Department
- Sheriff Department
- Fire Department
- Volunteer Fire Departments
- Municipal Government
- County Government
- River Authority
- Businesses along river



### Mission:

- Support development of Flood Warning System
- Provide input on system design and requirements
- Test and provide feedback on data viewer
- Share information

# System Installation Update

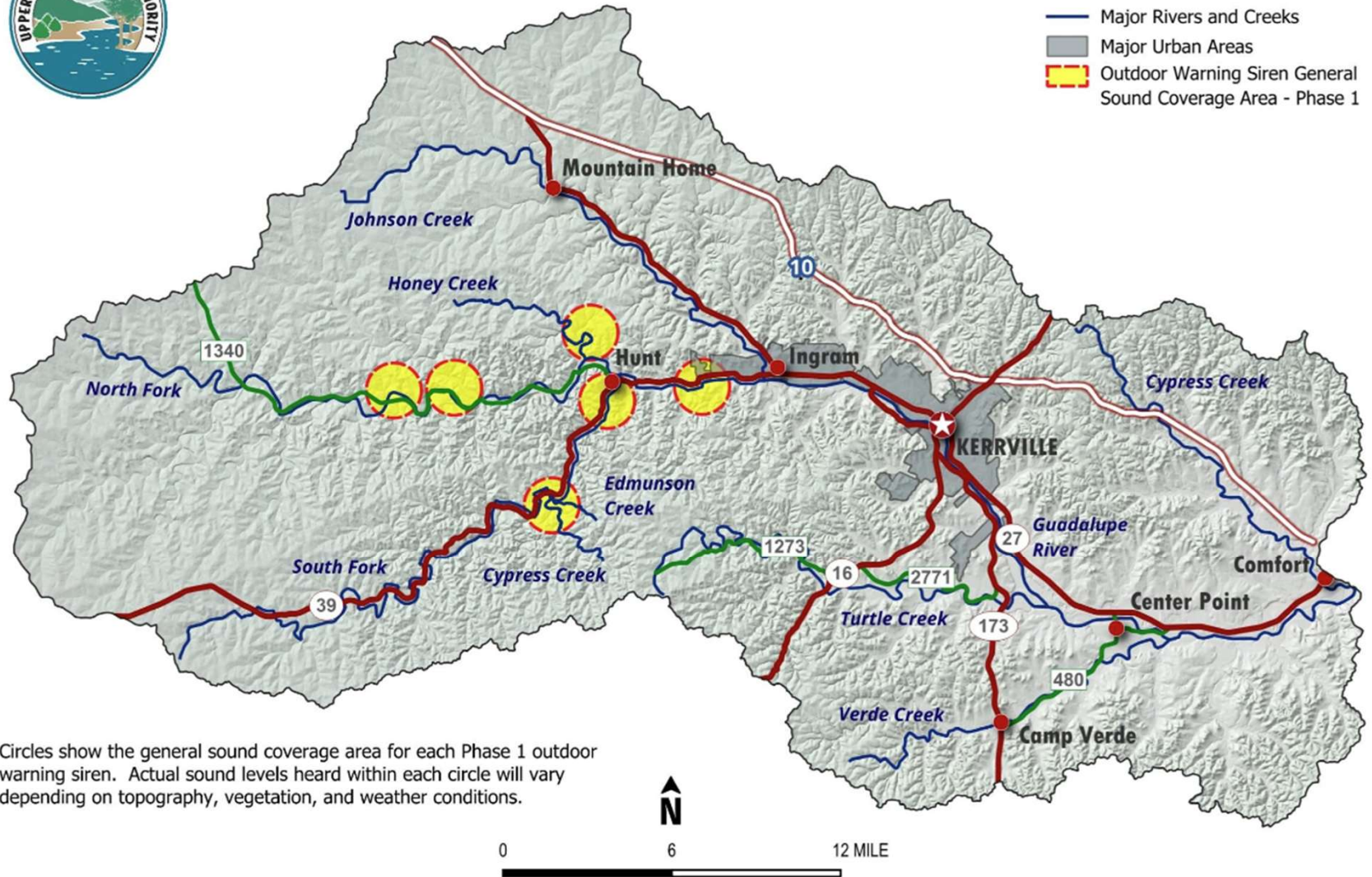
- 6 sirens (50' tall) have been installed, 2 more in progress
- Sirens have redundant power supply - AC & solar/battery backup
- Can broadcast alert tones and voice messages (*2 mi coverage*)
- Two base stations have been installed to operate sirens remotely
- Component testing underway
- Middle Mile Project – KPUB received \$14.7 million (*working with LCRA for fiber and tower installation*)
  - Now have coverage to all sirens
  - Redundant communications - Private LTE network (cellular) and VHF





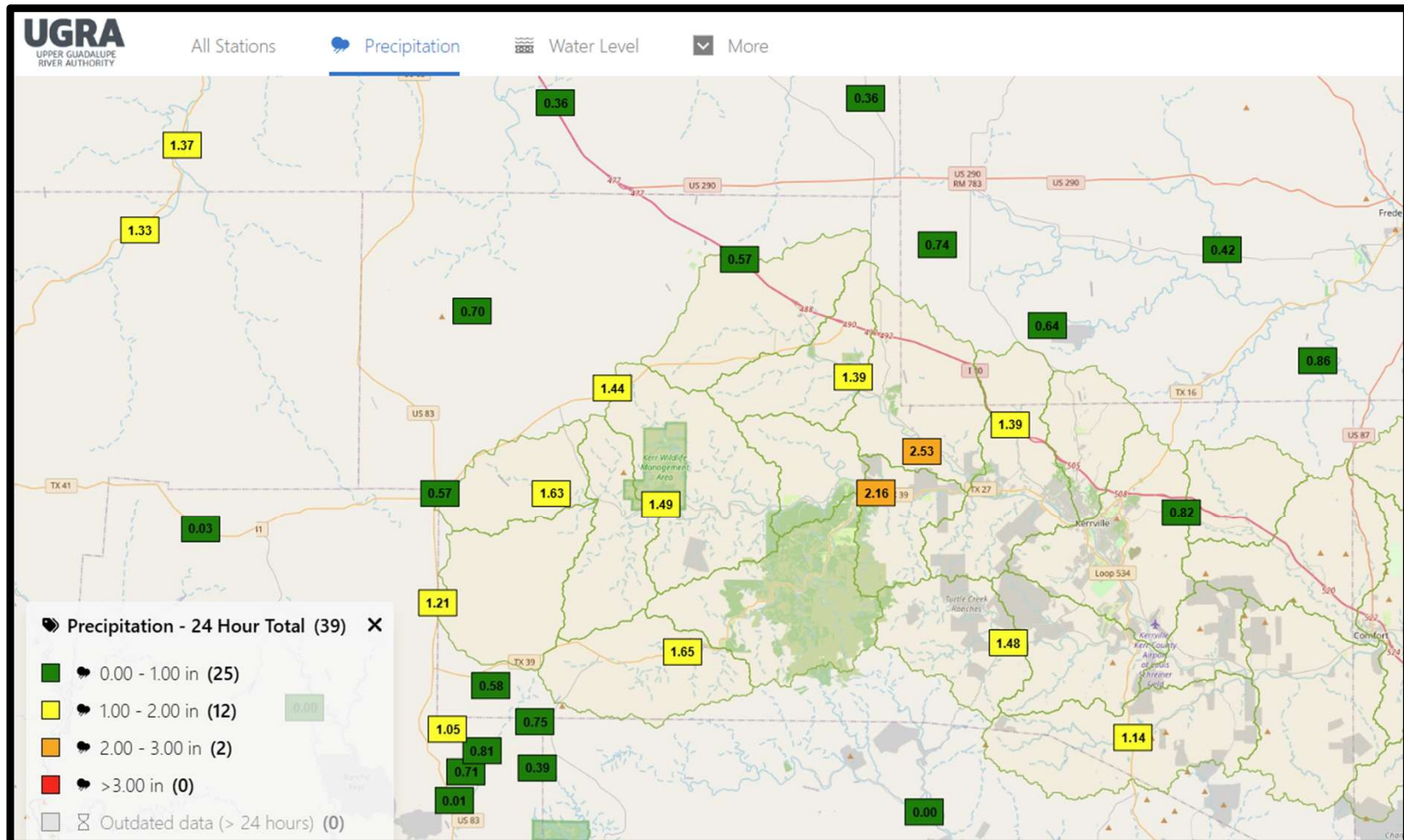
## Guadalupe River Flood Warning System

### Outdoor Warning Siren General Sound Coverage Area - Phase 1



# System Operations

- Combines technology, coordination, public awareness
- Multi-layered approach
  - Early detection
  - Coordinated decision-making to initiate response
  - Timely, actionable measures
- Redundant Public Communication Systems
  - UGRA RiverHub
  - Mass notification systems (e.g. Code Red, Everbridge)
  - Outdoor warning sirens
  - Other resources
- Full Implementation includes:
  - Regular testing to demonstrate overall FWS availability, effectiveness and reliability (99%)
  - Training of emergency management personnel
  - Continuous maintenance and upgrades, as required
  - Regular drills



# Election Integrity – Why it Matters

- **Our current election system is vulnerable**
- Every time legislators make it easier to vote, it's easier to cheat
- In the 2020 federal elections, 95% of registered voters cast ballots
  - Numerous counties returned more ballots than registered voters (PA)
  - Undeliverable Mail-in Ballots somehow got marked and counted
- DPS automatically register non-citizens to vote in many states!
- Inflated Voter Registration Lists - *deceased & out of state people vote*
- Maricopa Co., AZ machines “ran out of paper” on Election Day
- Ballot harvesting is rampant, even where it is illegal (e.g. GA)
- Voting machines are easily manipulated, unreliable and un-auditable
- Too many voters are disenfranchised with our elections!

# Election Integrity – Key Observations

- Prof. Alex Halderman’s July 2021 Report on GA voting machines:
  - *“ICX suffers from critical vulnerabilities that can be exploited to subvert all of its security mechanisms, including user authentication, data integrity protection, access control, privilege separation, audit logs, protective counters, hash validation, and external firmware validation.”*
  - *“Despite the addition of a paper trail, ICX malware can still change individual votes and most election outcomes without detection.”*
- Mark Cook – There are numerous ways to corrupt voting machines: scanning a QR code, inserting a thumb drive, direct programming during “updates”, hidden modems, etc. 3/23
- Prof. Alex Halderman demonstrated in a Georgia Federal Court how easily a Dominion voting machine can be manipulated by flipping votes in seconds using a borrowed pen and cell phone. 1/24

*Alex Halderman is professor of computer science & engineering at the University of Michigan*



# Hart Vanguard DRE Voting System

- Kerr County Commissioners Court approved a master services agreement with Hart InterCivic on May 26<sup>th</sup> by a vote of 4 – 0 (*Commissioner Paces was absent*)
- Included the purchase of:
  - 26 Vanguard Vault digital ballot scanners, 25 Vanguard Flex ballot marking devices, 3 on-demand paper ballot printers, 1 Vanguard workstation and software, 108 proprietary memory devices, 4 electronic security tokens, 2 two-factor authentication keys, misc. additional equipment, implementation services, and annual licenses & support fees
- Total cost of the Vanguard system: **\$349,884**

THE RECORD



# Hart Verity Vanguard 1.0 — examined Sept. 16–18, 2025

**Dr. Andrew Appel** — Princeton computer scientist —  
appointed by the Attorney General (Report: Oct. 17, 2025)

**Chuck Pinney** — Staff Attorney, SOS Elections Division  
(Report: Oct. 27, 2025)

**Ryan Macias** — Technical examiner, election technology  
specialist (Report: Oct. 24, 2025)

**Hurley • Mechler • Gordon** — Election law and  
technical examiners (Reports posted at SOS)



**ALL recommended  
certification**

**Certified by the SOS on  
March 31, 2026**

*Which makes what they wrote  
more powerful — not less.*

*Everything on the next slides is quoted from these official reports — with page numbers.*

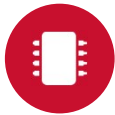
## TRUST, BUT VERIFY?

# What the examiners could NOT do



### **No source code review**

“Neither the time nor the resources to examine the source code and internal hardware, so we rely on the report from the VSTL.” (Appel §3, p. 4)



### **Could not open the machines**

“The Examiners were not able to open up the machines to inspect the motherboards” — relying on the vendor-paid lab’s word that no wireless exists. (Appel p. 15 n.15)



### **Vendor statements taken on trust**

“Many of my analyses and conclusions are, necessarily, based on statements made by Hart personnel... I will take those statements as made in good faith.” (Appel §2, p. 3)



### **Seals alone don’t save it**

Without rigorous protocols, tamper-evident seals are “mere ‘security theater’, decorations that do not provide significant assurance.” (Appel §17, p. 34)

## THE ATTORNEY GENERAL'S OWN EXAMINER

**“I do not consider it far-fetched or extreme to say that it could be feasible for a sophisticated actor to hack a Verity Vanguard voting system, even without insider access, and thereby commit large-scale election fraud.”**

— *Dr. Andrew W. Appel, Examination Report, Hart Verity Vanguard 1.0, §11, p. 23 (Oct. 17, 2025)*

**And with insider access?** “With extreme insider access, such as key positions within Hart Intercivic, it would be much easier to commit catastrophic fraud. Hart straightforwardly admits this in their ‘Risk and Threat Assessment.’” (p. 23)



# Hand Counting Paper Ballots

- The United States remains one of the few major democracies in the world that continue to allow computerized vote casting and counting.
- Germany, Norway, Netherlands, France, Denmark, Italy, United Kingdom, Ireland, Spain, Portugal, Sweden, Finland, Argentina, Taiwan, and many other countries protect the integrity and trust of their elections with publicly observable hand-counting of paper ballots.
  - *All complete hand counting and report results the same day.*
  - *30 years ago, we (USA) did too.*

# Hand Count Misinformation

During the recent primary elections, false information was spread about the Republican Party's runoff hand count.

Claims were made that the hand count would cost taxpayers \$400,000. This is total fabrication! Here are the facts:

- Primary elections are run by the Republican and Democrat Parties with assistance from County Staff.
- All decisions were made by the County Executive Committees (CEC).
- Several CEC members asked Rich Paces to speak about election integrity and hand counting options at the November CEC meeting.
- The Republican CEC ultimately made the decision to hand count their Runoff Election Day ballots.
- The incremental cost to hand count the Republican primary runoff election day ballots was between \$2,000 to \$4,000.
- The Secretary of State will reimburse the Republican Party for all reasonable election costs including those associated with hand counting the runoff Election Day ballots.
- Only 55 people are required to hand count runoff ED ballots in under 5 hrs.

# Hand Count Misinformation

- 149 volunteers have been trained, and many will accept payment and donate it to the Republican Party.
- Costs not reimbursed by the SOS will be borne by the Republican Party, NOT county taxpayers.
- Rich Paces told CEC members that he will pay any hand count costs not reimbursed by the SOS.
- The objective was to prove that the new Chapter 65 hand counting is easy, accurate (self-correcting), transparent and a viable alternative to machines that can be easily manipulated to alter results.
- *Germany, Norway, Netherlands, France, Denmark, Italy, United Kingdom, Ireland, Spain, Portugal, Sweden, Finland, Argentina, Taiwan, and others protect the integrity and trust of elections with public hand counting of paper ballots.*
- Over 85% of all US citizens support the Save America Act and secure elections.
- So, why is there opposition from both parties to the SAVE America Act that would help secure our elections?

# Runoff Election Day Hand Count Results

- Republican Party successfully completed a hand count of the primary runoff Election Day votes.
- 149 volunteers were trained to hand count and 52 new people were trained as SOS election poll workers.
- Only 72 volunteers were used on Runoff Election Day and counted 2692 ballots using the new Chapter 65 method.
- Counting started at 3:32 pm and was finished by 8:39 pm.
- All results were reported to the County Clerk by 11:06 pm, sooner than the results were reported from the March 3<sup>rd</sup> primary.
- Credit goes to Sharon Agold, Richard Bonnert, Danny Holcomb and Christine Pugh.
- The small incremental hand count costs should be paid by the SOS along with all other reasonable election costs.
- The representative from the SOS Elections Dept. was very complimentary about the way the hand count was conducted.

# Battery Energy Storage System (BESS) Example



**NAME:** Key Capture Energy TX 12 Lithium BESS

**LOCATION:** Pflugerville, Travis County, TX, HWY 45

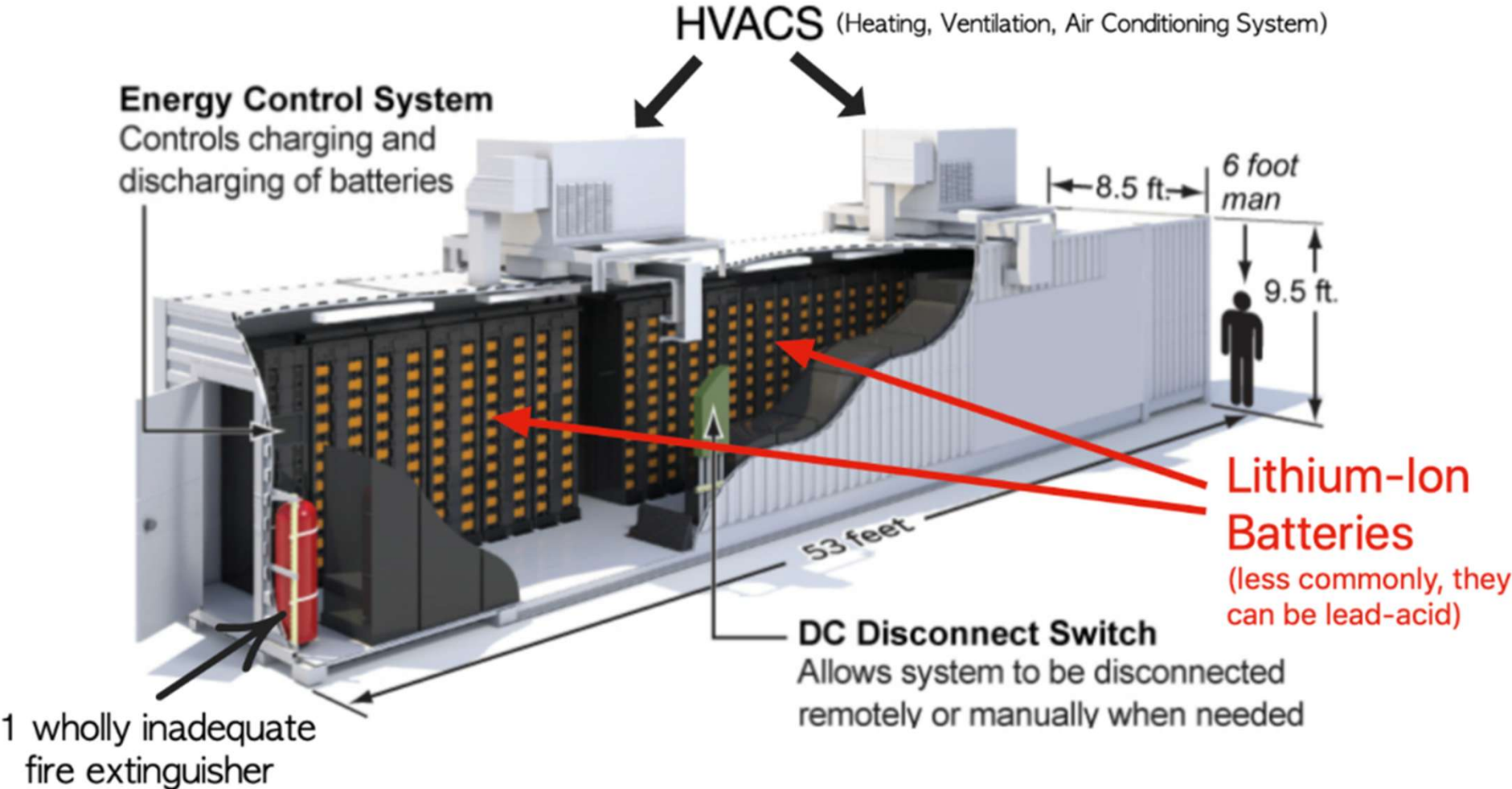
**PROJECT:** 100 MW shown at left

**LANDOWNERS:** LCRA, Key Capture Energy, a subsidiary of South Korean Energy

## **CONCERNS:**

- New technology with foreign components
- Inadequate State Regulations
- Foreign parent companies with fiduciary integrity concerns
- Thermal runaway of aggregated Lithium batteries
- Containment of fire & smoke requires excessive water volume in a “PGMA.”
- Cybersecurity of key infrastructure
- No site reclamation mandate

# Battery Energy Storage System



Typical BESS Facility (*under construction*) adjacent to an Electric Substation



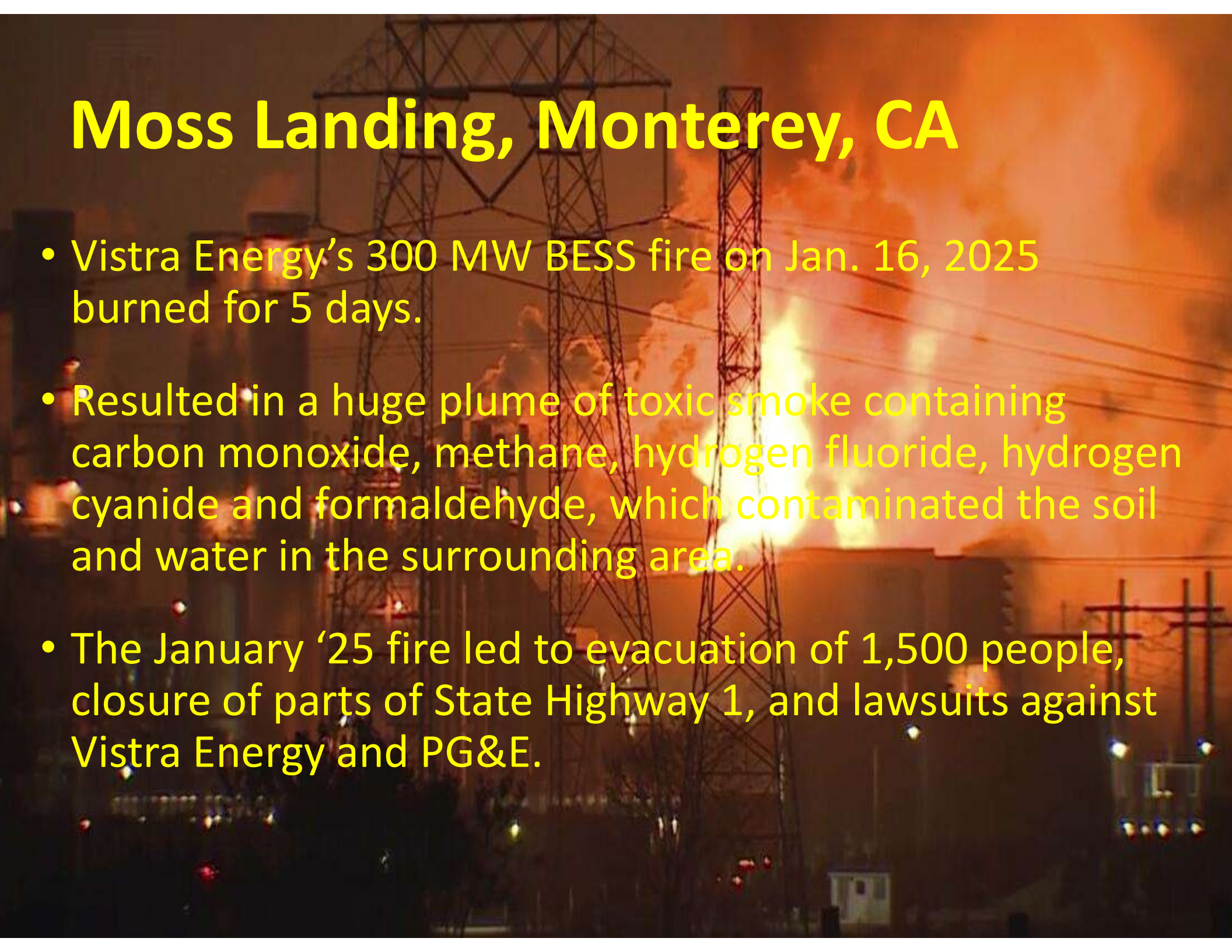
# Battery Energy Storage System Concerns

- Lithium batteries have a history of instability and overheating, leading to thermal runaway, fires and explosions (e.g. Moss Landing, CA).
  - Raises concern regarding their installation in the pristine Texas Hill Country that is prone to frequent severe drought and to rapidly spreading wildland fires.
  - Extremely difficult to extinguish a lithium battery fire.
  - Our rural volunteer firefighters lack sufficient foam and water to extinguish a BESS fire.
  - Environmental impact from a BESS runaway fire - toxic gases are released & contaminants would find their way into our creeks, rivers & precious shallow groundwater on which we all rely.
  - Risks far outweigh any benefit associated with BESS power stabilization.

# Battery Energy Storage System Concerns

- Inadequate regulations on eventual disposal of BESS lithium batteries.
- BESS facility dramatically lowers the property value of the adjacent land, just ask Christopher Dyer in Mason County.
- BESS is not a renewable or new source of energy and has a power discharge cycle limited to only a few hours, rendering it useless in any prolonged power outage.
- Lithium battery components are mined and manufactured abroad, primarily benefiting foreign adversaries.
- Many BESS components, controllers & circuit boards are manufactured in China, creating major cybersecurity and grid vulnerability concerns.
- Unmanned facilities with no long-term local jobs associated with BESS.
- Property taxes are the only economic benefit associated with BESS for our local community.

# Moss Landing, Monterey, CA



- Vistra Energy's 300 MW BESS fire on Jan. 16, 2025 burned for 5 days.
- Resulted in a huge plume of toxic smoke containing carbon monoxide, methane, hydrogen fluoride, hydrogen cyanide and formaldehyde, which contaminated the soil and water in the surrounding area.
- The January '25 fire led to evacuation of 1,500 people, closure of parts of State Highway 1, and lawsuits against Vistra Energy and PG&E.

# Moss Landing BESS Event History

- September 2021 – Overheating event caused a month long outage.
- February 2022 – Another overheating event led to further operational disruptions.
- September 2022 – A small fire occurred at the **adjacent PG&E Elkhorn battery system**.
- January 16, 2025 – A runaway fire destroyed a large portion of the 750-MW/3-GWh Moss Landing Battery Storage Facility, consuming most of a 300-MW/1,200-MWh phase of the complex.
- February 18, 2025 - Batteries reignited.
- March 2025 – A fire occurred at the Moss 300 Lithium-Ion BESS building.
- March 2025 – The January fire reignited as hazardous materials crews begin removing burned batteries.
- June 2, 2025 - Batteries reported to be smoldering.

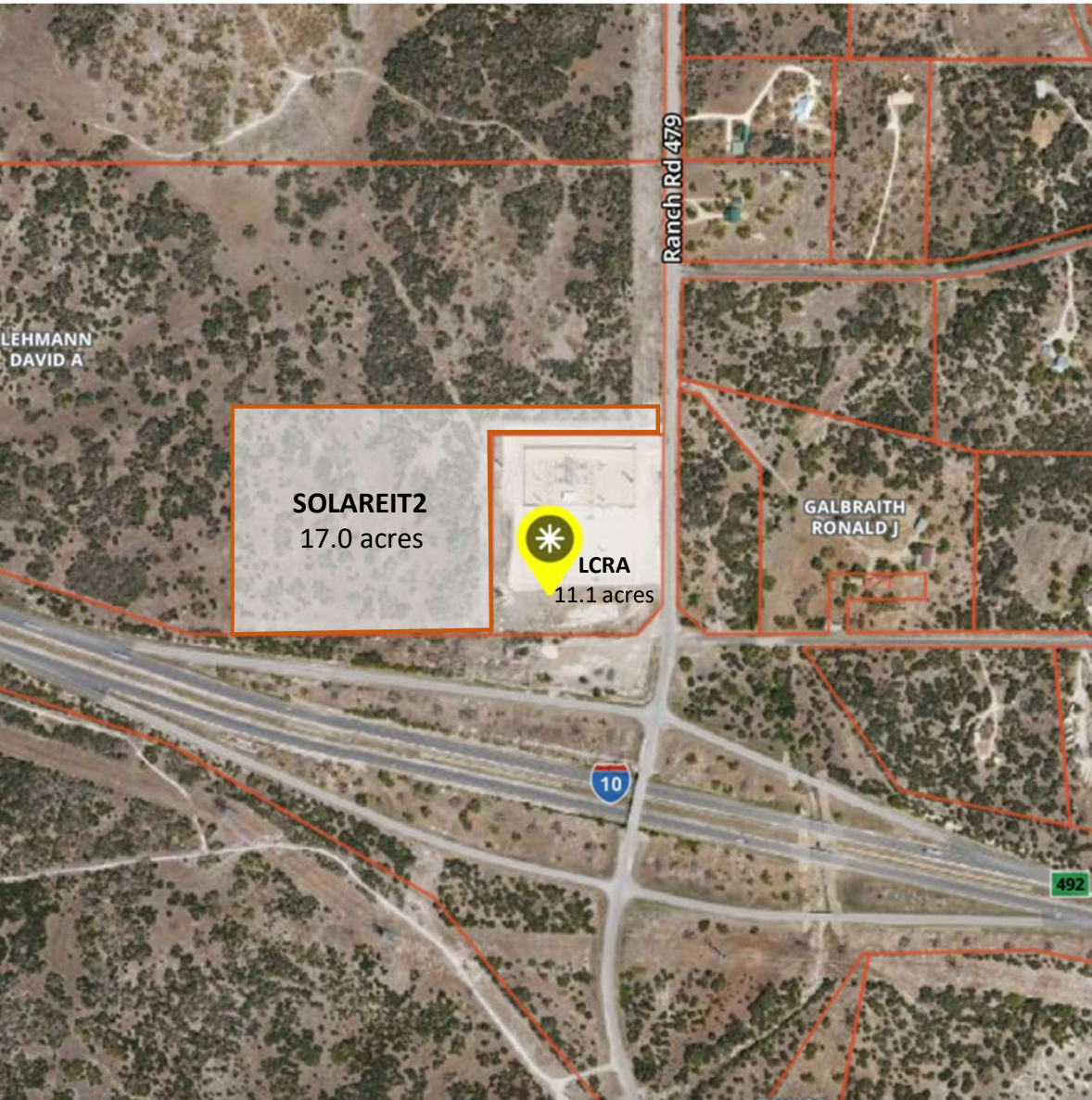
# Other BESS Fires

- South Korea (2018-2019) – A series of **23** BESS fires led to extensive investigations and safety improvements.
- Surprise, Arizona (2019) – A thermal runaway event caused an explosion, injuring four firefighters.
- Gunwi-gun, South Korea (January 2022) – Firefighters entered a burning BESS facility unaware of explosion risks, sparking controversy.
- Chandler, Arizona (April 2022) – A fire in a containerized BESS unit lasted over ten days, requiring continuous sprinkler use and robotic intervention.
- Chaumont, New York (July 2023) – A fire at a solar farm's lithium-ion battery storage facility burned for four days before being extinguished.
- May, 2023 a NextEra Energy Resources BESS in East Hampton, New York caught fire.
- June, 2023 a Convergent Energy and Power BESS in Warwick, New York caught fire.
- Otay Mesa, San Diego (June 2024)
- Dec. 2025, the Convergent Energy & Power Church Street BESS caught fire in Warwick, New York. The fire was confined to a single container, but burned for two days, requiring a multi-agency response.

# State Fire Marshall's Presentation to Kerr Commissioners Court 1/27/25

- "Are battery energy storage system safe?"
  - ...."However, when malfunctions occur, data shows they happen in less than **2%** of the installations."
- The problem is that ERCOT & PUCT are planning for +/-1000 (*and growing*) BESS facilities across Texas
  - **Are 20 thermal run-away fires acceptable?**

# Kerr County BESS Project in Mt. Home



**NAME:** EAST-WEST ENERGY BESS  
7750 MOUNTAIN HOME LCRA SUBSTATION

**LOCATION:** RANCH ROAD 479 AND I-10

**PROJECT:** 2026-27 \$90M LITHIUM BESS PLANT PROPOSED BY ESVOLTA / EAST WEST ENERGY. 120 MW BESS PROVIDING 2 HR POWER FOR KERR. OPERATIONAL 6/30/2027.

**LANDOWNERS:** SOLAREIT2-A-III LLC

**CONCERNS:**

PROXIMITY TO I-10 IN CASE OF FIRE

CONSIDERABLE UNDEVELOPED LAND ADJACENT

THERMAL RUNAWAY OF LITHIUM BATTERY AGGREGATION

VFD CONTAINMENT OF FIRE, SMOKE, REQUIRING EXCESSIVE WATER USAGE IN A "PGMA."

CYBER SECURITY OF KEY INFRASTRUCTURE



# BESS Regulations?

- BESS developers target unincorporated areas of small counties, acquiring land adjacent to an electricity transmission substation.
  - No local approvals are required, unless the developer is requesting a variance from Codes or Standards.
  - Counties without a permit requirement may not know that a BESS facility is being proposed or installed.
  - Only approvals appear to be from ERCOT consisting of an interconnectivity study, a cybersecurity study, and final authority to energize.
  - State and National Codes & Standards apply.
    - NFPA 1 (Fire Code), NFPA 70 (Electrical Code), NFPA 855 (Standard for the Installation of Stationary Energy Storage Systems) and UL 9450 (ESS safety standard ensuring that inverters and batteries are tested together for electrical, mechanical, and fire safety).

# BESS Root Cause

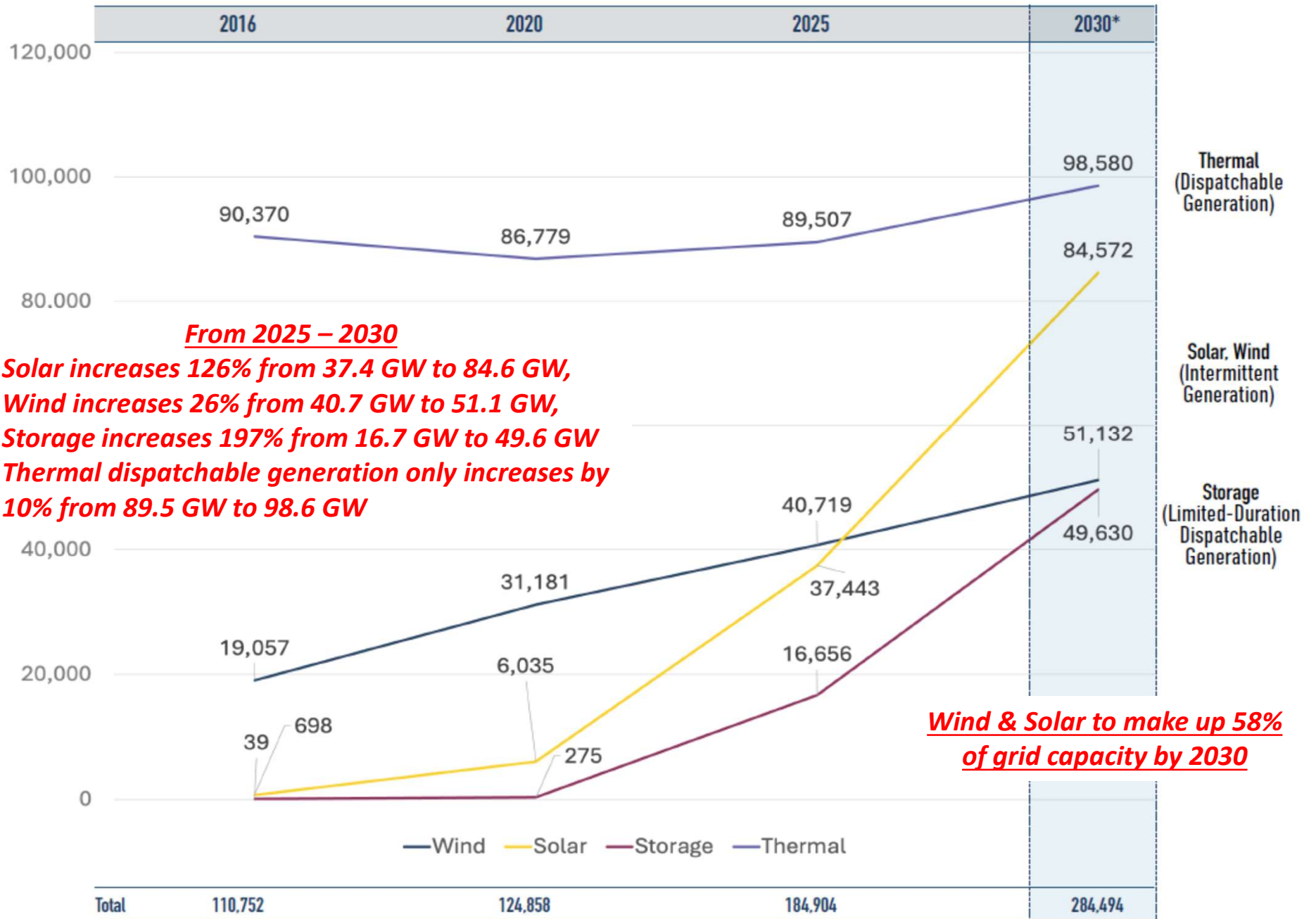
- Texas increasingly relies on intermittent renewable energy.
- As of Nov. 2025, according to ERCOT:
  - Wind generation capacity was 40,719 MW (24%) of total generation capacity,
  - Solar generation capacity was 37,443 MW (22%) of total generation capacity,
  - Both failed Texas in the 2021 extreme winter storm Uri.
- Inconsistent power from renewables creates the need for BESS.
  - *“BESS facilities are NOT storing power during the day to be used at night. They are providing artificial inertia to the grid, as well as frequency control and ancillary services. None of these services would be required absent wind and solar power” (per Francis Menton, Manhattan Contrarian)*
- Renewables benefit from government subsidies, tax abatements, and transmission company guaranteed RORs.
- Instead of unreliable wind & solar energy, Texas should expand power generation capacity using reliable fossil fuels such as natural gas.
  - Texas is blessed with abundant natural gas, which is the cleanest source of energy.
  - Natural gas production benefits Texas as opposed to renewables that primarily benefit foreign adversaries.

# ERCOT Grid Fuel Mix *(as of: June 3, 2026)*

	<u>Current Generation</u>	<u>Monthly Capacity</u>
<b>Solar</b>	20,887 MW (29.6%)	39,378 MW (20.7%)
<b>Wind</b>	6,556 MW (9.3%)	40,586 MW (21.3%)
<b>Hydro</b>	61 MW (0.1%)	579 MW (0.3%)
<b>Power Storage</b>	-889 MW (-1.3%)	20,704 MW (10.9%)
<b>Other</b>	51 MW (0.1%)	643 MW (0.3%)
<b>Natural Gas</b>	32,481 MW (46.1%)	69,756 MW (36.6%)
<b>Coal and Lignite</b>	6,299 MW (8.9%)	13,705 MW (7.2%)
<b>Nuclear</b>	5,016 MW (7.1%)	5,268 MW (2.8%)
	70,462 MW (100.00%)	190,619 MW (100.00%)

# Extract from ERCOT's "2025 State of the Grid"

## SUPPLY: Fuel Mix Snapshot (MW Capacity)



**From 2025 – 2030**

- **Solar increases 126% from 37.4 GW to 84.6 GW,**
- **Wind increases 26% from 40.7 GW to 51.1 GW,**
- **Storage increases 197% from 16.7 GW to 49.6 GW**
- **Thermal dispatchable generation only increases by 10% from 89.5 GW to 98.6 GW**

**Wind & Solar to make up 58% of grid capacity by 2030**

# Cybersecurity - Lack of Enforcement

- BESS cybersecurity risks: unmanned, controlled remotely and many have CATL\* batteries and various circuit boards and control equipment made in China.
  - \*Contemporary Amperex Technology Co. Limited (CATL), a China based company that is the world's largest battery maker and a dominant supplier of cells for U.S. BESS.
- In July 2023 the San Antonio grid infrastructure was taken over for 4 hours by Volt Typhon as a result of the Chinese made cameras that were connected.
- Lone Star Infrastructure Protection Act of 2021, now Chapter 117 of the Texas Business and Commerce Code (TBCC), aims to protect Texas' critical infrastructure (electric grid) by prohibiting contracts with, or access by companies or government entities from China, Iran, North Korea, and Russia. The Code was recently amended to include components made in China.
- The Governor's Executive Order GA 48 dated November 19, 2024 specifically requires all state agencies to require any company that submits a bid or proposal with respect to a contract for goods or services to the agency to certify that the company and any of its holding companies or subsidiaries is not listed in Section 889. **> 700 attestations are missing!**
- Department of Energy's Office of Cybersecurity, Energy Security, and Emergency Response (CESER) found that **over 90% of grid-scale BESS deployed in the U.S. contain critical components manufactured in China**, including battery management systems (BMS), power conversion systems (PCS), and supervisory interfaces."
- **What are PUCT and ERCOT doing to enforce TBCC Chapter 117 and GA 48 & 49 to ensure that the grid is protected from cybersecurity threats?**

# Authorities Having Jurisdiction (AHJ)

1. County Commissioners' Court (CC)
  2. ESD if contracted with the CC
  3. County Fire Marshal if appointed by the CC
- *State Fire Marshal's Office will inspect facilities for compliance once constructed, but only advise the AHJ of any deficiencies*
  - *Counties may also contract with fire & safety code experts who review plans & documentation submitted (within 30 day timeframe) and/or inspect facilities and advise the AHJ of any deficiencies*

# Applicable BESS Fire & Safety Codes

- NFPA 1 (*National Fire Code*), 2021 Edition
- NFPA 101 (*Life Safety Code*), 2021 Edition
- NFPA 70 (*National Electrical Code*), 2021 Edition
- NFPA 855 (*Standard for the Installation of Stationary Energy Storage Systems*), 2020 Edition
- UL 9540 (*ESS safety standard ensuring that inverters and batteries are tested together for electrical, mechanical, and fire safety*), 2016 Edition
- TX SFMO is planning to adopt later versions in 2026

# Outside Expert Review & Testimony

- Dr. Robert Steele\*, President of Columbia Power Systems, Inc.,
  - Recognized subject matter expert in the energy storage market sector with 42 years of progressive experience in interoperable power system design, analysis, and safety. He supports the Energy Storage Market Sector as a UL 9540 and UL9540A Technical Committee Member and a contributing author to NFPA 855.
- Scope of Work:
  - Review of Construction and Operations Permit Submittal Documentation for compliance with IFC, State of Texas, Kerr County Guidance and Regulations, NFPA 855, and UL 9540.
  - Silent participation in County/Project meetings, providing technical opinions only to the County unless otherwise authorized.
  - No direct interaction with Applicants without County authorization and participation.
  - Consultant does not act on behalf of the County but provides recommendations for mitigation. All correspondence will be through or approved by the County prior to Applicant engagement.

\* *highly recommended expert for BESS document review*

# Fire Marshal Permit & Fee Schedule

- This fee schedule is adopted by Kerr County Commissioners Court pursuant to Texas Local Government Code §352.016(c), which authorizes Commissioners Court to permit the county fire marshal to charge reasonable fees to owners of business or commercial property for plan review and inspection.
- The fees in this schedule are intended to recover the County's costs associated with plan review and inspection activities conducted by or under the authority of the Kerr County Fire Marshal, including associated administrative and technical review services necessary to perform those functions.

## **BUILDING PLAN REVIEW FEES**

- This fee is for processing building plans submitted for approval and must be paid at the time of submission.

### **Base Fee: \$50**

- Projects with a valuation over \$1,000 use the following schedule:
- \$1,000 and less \$50
- \$1,001–\$50,000                      \$50 plus \$7 per additional \$1,000
- \$50,001–\$100,000                  \$393 plus \$6 per additional \$1,000
- \$100,001–\$350,000                 \$687 plus \$5 per additional \$1,000
- \$350,001–\$700,000                 \$1,888 plus \$4 per additional \$1,000
- \$700,001–\$1,000,000               \$3,284 plus \$3 per additional \$1,000
- Over \$1,000,000                     \$4,181 plus \$2 per additional \$1,000
- E.g. \$90,000,000 BESS project would pay \$182,181

# 391 HCESRPC Progress Report

- Texas **Local Government Code Section 391.009** (c) states: *“in carrying out their planning and program development responsibilities, state agencies shall, to the greatest extent feasible, coordinate planning with commissions to ensure effective and orderly implementation of state programs at the regional level”*.
- 391 Sub-Regional Planning Commission with Kendall County
  - First HCESRPC Board meeting was held Feb. 14, 2025
  - Gillespie County joined HCESRPC on Nov. 18, 2025
- Held a coordination meeting with TCEQ to understand their approval process, make them aware of our concerns and move them to proactively study the worst case (major thermal runaway fire).
- Trying to hold coordination meetings with LCRA, PUCT and ERCOT on BESS development in Kerr & Kendall Counties.
- Working with legislators to pass Bills to regulate BESS facilities, promote safety and cybersecurity, and ensure responsible disposal of used batteries.

# Correspondence with PUCT – “*the Problem*”

- Starting with our initial notification sent to PUCT on February 14, 2025, four notices were sent calling for a coordination planning meeting with our commission. PUCT responded with one letter dated March 31, 2025 and one email dated May 8, 2025 as follows:
- “PUCT does not have the ability to affect the location or type of electric generation, including batteries. In the ERCOT region, power generation is largely deregulated. Companies do not need permission from PUCT. The type and location of electric generation is made by developers and investors of each project.. .. A power generator must secure an interconnection agreement from the local electric distribution utility and ERCOT...the interconnection agreement does not dictate the location or type of electric generation.”
- “Participation in these 391 Commissions is dependent on the jurisdiction of the state agencies involved. In the situation relating to battery projects, we are not aware of any existing state programs related to battery storage facilities that involved PUCT administration. We are unable to participate as requested.”
- Copies of all correspondence are available on the commission’s website at [www.HCESRPC.com](http://www.HCESRPC.com) under the Correspondence Page in chronological order.

# Regulatory Strategy - 89<sup>th</sup> Legislative Session

- 12 House Bills and 7 Senate Bills were proposed
- Only 2 Bills passed both the House and the Senate
  - **HB 3824** requires BESS facilities to follow fire safety standards established by the State Insurance Commissioner (*State Fire Marshal is under this commission*). It also establishes strict standards, reporting, and operation plans. Applies to BESS with a commercial operations date on or after Jan. 1, 2027 as determined by the Commissioner. Also, forbids a city or county from superseding the bill with their own standards.
  - **HB 3809** mandates decommissioning requirements for BESS leases, other than those leased by an electric utility, & requires financial assurance to comply with these decommissioning obligations.

# Legislative Committee

The HCESRPC Legislative Sub-Committee consists of:

- Rich Paces – Kerr County Commissioner, Precinct 2
- Pam Miller – Kendall County Landowner Representative
- David Nash – Gillespie County Resident
- Cheryl Grosso – Kendall County Resident
- Dr. Alex Rudd - Kendall County Resident
- Lind Bullard – Kerr County Resident

# SFMO Working Draft Rules relating to HB 3824 and Chapter 187 in the Utilities Code

- The Texas Department of Insurance (TDI) and the State Fire Marshal's Office (SFMO) requested comments on their informal working draft of concepts and rules relating to House Bill 3824 (89R, 2025) and the new Battery Energy Storage Facility Safety (BESS) Chapter 187 in the Utilities Code.
- HCESRPC Legislative Subcommittee submitted comments on the SFMO working draft documents. *Example:*
  - Recommend Commissioner to refer to the US DOT's **2024 Emergency Response Guidebook and review Guide 147 in the Orange Section entitled "Lithium Ion and Sodium Ion Batteries."** Pay particular attention to the EVACUATION – Fire verbiage, "If rail car or trailer is involved in a fire, ISOLATE for 500 meters (1/3 mile) in all directions, also **initiate evacuation including emergency responders for 500 meters (1/3 mile) in all directions.**" There are only 3 other hazardous material guides out to the 62 guides in the Orange Section that call for the emergency responders to evacuate; 2 for explosives and 1 for ammonium nitrate (1947 Texas City explosion). **Hazmat Teams are required to first respond due to the uniqueness of these battery fires and the hydrogen fluoride toxicity, and they are typically hours away from BESS facilities located in rural areas protected only by volunteer fire departments.**

# PUCT's TAC § 25.58 Proposed Rules Applicable to Electric Service Providers

*Reference: Project Number 59523*

- The PUCT is proposing rules applicable to Electric Energy Storage Facilities (**EESF**) under 16 TAC § 25.58, that would establish an avenue for transmission and distribution utilities to contract with power generation companies for EESF capacity and pass on costs to Texas ratepayers.
- The Hill Country Energy Sub-Regional Planning Commission requested a public hearing under Texas Government Code §2001.029 with respect to the proposed rules.
- **PUCT has granted a public hearing on June 25<sup>th</sup> starting at 9:30 am in their Austin office**

# HCESRPC is opposed to EESF for the following reasons:

1. EESF does not generate electricity but rather is a net consumer of electricity and at best a very costly grid stabilizer, which would not be necessary if PUCT had not become overly reliant on unreliable wind and solar energy.
2. EESF has a power discharge cycle limited to only 2-3 hours, rendering it useless in any prolonged power outage.
3. Lithium batteries have a history of instability and overheating, leading to thermal runaway, fires and explosions (e.g. Moss Landing, CA).
4. The consequences of thermal runaway lithium battery fires, which cannot be controlled nor extinguished, and which release extremely toxic and harmful chemicals into the air, contaminate the surrounding soil, and eventually would likely contaminate our precious surface water and groundwater on which we depend, are dire indeed.
  - a. Raises particular concern regarding their installation in the pristine Texas Hill Country that is prone to frequent severe drought and to rapidly spreading wildland fires.
  - b. Rural volunteer firefighters lack sufficient foam and water to extinguish a EESF fire.
5. There is no oversight for the largely unregulated and hazardous facilities.
6. There are inadequate regulations on eventual disposal of EESF lithium batteries.
7. EESF also pose a cybersecurity risk because they are unmanned, controlled remotely and many have CATL batteries and various circuit boards and control equipment made in China. Our DOD has realized the threat associated with battery and control system components made in China and removed them from all US military facilities.

# HCESRPC is opposed to EESF for the following reasons:

8. Over 700 attestations from EESF developers are missing. These attestations require the developer to attest to the fact that they have not Purchased Critical Electric Grid Equipment (CEGE) and Critical Electric Grid Services (CEGS) from a Lone Star Infrastructure Protection Act (LSIPA) Designated Company or LSIPA Designated Country and that their equipment will NOT result in access to or control of CEGE by an LSIPA Designated Company or LSIPA Designated Country.
9. EESF dramatically lowers the property value of the adjacent land, just ask Christopher Dyer in Mason County.
10. Lithium battery components are mined and manufactured abroad, primarily benefiting foreign adversaries.
11. Many EESF components, controllers & circuit boards are manufactured in China, creating major cybersecurity and grid vulnerability concerns.
12. Unmanned facilities with no long-term local jobs associated with EESF.
13. Property taxes are the only economic benefit associated with EESF for our local community.
14. Risks far outweigh any benefit associated with EESF power stabilization.
15. The PUCT proposed rules would allow TDUs to recover, or in reality to pass on to ratepayers, the “reasonable” costs claimed by a PGC for an EESF including a guaranteed rate of return on investment without a single megawatt of new power being generated.

# HCESRPC is opposed to EESF for the following reasons:

16. Approving expensive EESF contracts and passing those costs onto ratepayers, with no say from the public, does nothing to fix the actual problem. The public pays more and gets less in return.
17. Proposed rule § 25.58 does not solve the reliability problem, it is like trying to stop an arterial bleed with a Band-Aid. Instead it incentivizes new problems and adds unwarranted risk to Texas citizens' safety, health and welfare and most certainly raises the cost of electricity for every Texan ratepayer.
18. Winter Storm Uri in 2021 proved that wind, solar and battery energy was not reliable and EESF would not have helped on the transmission side or the distribution side due ice loads on the power lines. Further, the limited discharge cycle time had virtually no positive impact.
19. Texas needs new reliable (natural gas or nuclear powered) dispatchable electricity generation installed in close proximity to the demand (e.g. near data centers, A.I. centers, large high density urban areas, etc.).
20. Instead of spending billions of dollars on EESF, PUCT should encourage building new reliable (natural gas or nuclear) dispatchable power plants thereby strengthening grid resiliency and reducing transmission losses and eliminating the need for excessive expenditure on 764 kV transmission lines.
21. The last thing that PUCT should do is place our citizens at risk from potentially hazardous EESF that will raise the cost of electricity for all Texas ratepayers and that would never have been contemplated without the former administration's false climate crisis narrative and the federal funding for unreliable wind and solar energy.

# Fighting BESS - Other Avenues:

- Concerned citizens can move public opinion and pressure government to stop distorting the energy market via subsidies, grants & loans by writing letters to media, and
- Send letters to the President, Governor, Lt. Governor, US Senators, US Representatives, State Senators, and State Representatives asking them to:
  - Stop installing unreliable renewable energy projects & BESS,
  - Stop offering government subsidies for unreliable energy and BESS,
  - Promote alternative reliable energy solutions and powerplant diversification (nuclear & nat. gas), upgrade transmission lines to reduce energy losses, and utilize smaller scale gas fired power plants closer to consumers (e.g. large urban areas, data centers & AI facilities), and
  - Ensure that sufficient regulations are in place regarding BESS installation and operation to protect the our landowners, communities, the environment, and our precious groundwater.
- HCESRPC may consider filing a lawsuit against PUCT to force a planning coordination meeting

# Are we having an impact?

## Power project cancellations by technology

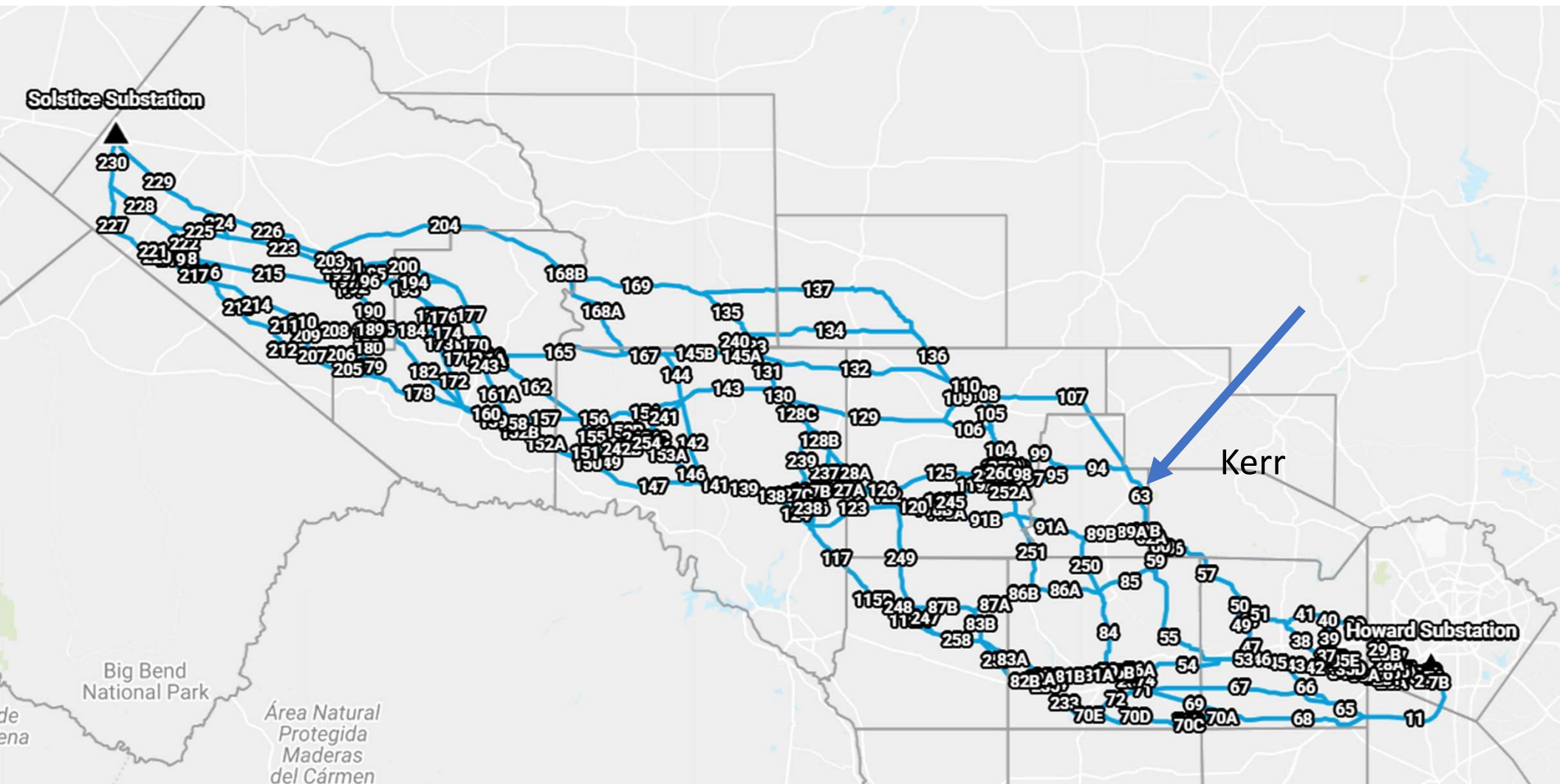
2025 cancelled capacity (MW)



Chart: Michael Thomas / Cleanview • Source: Cleanview project tracker • Created with Datawrapper

# AEP Howard - Solstice 765 kV Transmission Line Project

## 77 Possible Routes



# Howard – Solstice Transmission Line Project

- Consists of ~ 370 miles of new 765 kV transmission infrastructure connecting the CPS Energy Howard Road Station in Bexar County to the AEP Texas Solstice Station in Pecos County. Electricity will not be available to any consumers in-between.
- CPS Energy and AEP Texas have provided 77 different routes for the transmission line of which 19 of the routes would pass through Kerr County.
- The proposed 765 kV lines are 130 to 215 feet high depending on local topography, and the right-of-way is 200' wide which would require substantial land to be acquired from Texas property owners, likely using eminent domain which I strongly oppose.
- The cost for the proposed transmission line is estimated between \$33 and \$80 billion and the end users, e.g. data centers and Permian Basin oil and gas companies, are not directly funding this capital cost, hence every single electric ratepayer in the state of Texas will see a \$100 to \$200 increase in their annual electric bill over the 28% increase we've already seen since winter storm URI in 2021.
- Property values will be decreased not only for the land that the transmission line passes through, but also for properties within visual sight of the line.
- Instead of spending in excess of \$33 billion transporting energy 370 miles, funds should be utilized to encourage building new reliable (natural gas or nuclear) dispatchable power plants in the Permian Basin and elsewhere in close proximity to end consumers such as data centers, AI centers and large urban areas thereby strengthening grid resiliency and reducing transmission losses.

# 765 kV Transmission Lines – Court Order 41853

## RESOLUTION

### KERR COUNTY COMMISSIONERS COURT

WHEREAS, residents of KERR COUNTY have voiced significant concerns regarding the potential negative impacts of the proposed Howard-Solstice Transmission Line Project and its routes; and

WHEREAS, the proposed routes 24, 25, 27, 30, 31, 56, 57, 58, 59, 60, 62, 63, 64, 65, 70, 73, 74, 76, and 77 traverse through KERR COUNTY and may pose substantial risks to residents, businesses, and the environment, including impacts to river basins, increased land fragmentation, potential decreases in property values, harm to tourism and local businesses, and disruption of scenic vistas; and

WHEREAS, the proposed Howard-Solstice Transmission Line Project continues to move forward on schedule with potential impacts within KERR COUNTY; and

WHEREAS, in seeking a pragmatic solution, the Hill Country Preservation Coalition has proposed a “Least Harmful Route” as a mitigation-focused path to minimize damage, primarily by following existing highway infrastructure and reducing new land fragmentation; and

WHEREAS, no transmission line is impact-free, but the Least Harmful Route represents a practical approach to reduce risks to water resources, private property, and rural economies; and

WHEREAS, Alternative Route 9, as outlined by the applicants CPS Energy and AEP Texas in the PUC application, generally follows existing highway infrastructure in portions of the region, including segments along U.S. Highway 277 where applicable, to minimize land fragmentation and ecological impact; and

WHEREAS, Alternative Route 9 substantially overlaps with Alternative Route 4, identified by the applicants as the preferred route to meet regulatory requirements, with similar cost and distance; and

WHEREAS, KERR COUNTY is dedicated to protecting its citizens' interests, private property rights, natural resources, and the region's long-term economic health and quality of life; and

WHEREAS, KERR COUNTY seeks to ensure that any transmission line project includes meaningful public input and minimizes negative impacts on local communities; and

WHEREAS, the Commissioners' Court of KERR COUNTY stands opposed to the Howard-Solstice Transmission Line Project and its current routing through the county, while seeking to minimize damage should the project proceed;

NOW, THEREFORE, BE IT RESOLVED by the Commissioners' Court of the County of KERR COUNTY, Texas, that:

Section 1: The foregoing statements are hereby adopted as the official findings of the Commissioners' Court.

Section 2: **KERR COUNTY continues to formally oppose the proposed Howard-Solstice Transmission Line Project and its current routes through KERR COUNTY.**

Section 3: Should the project proceed under the current framework, KERR COUNTY recognizes the Hill Country Preservation Coalition's "Least Harmful Route" as a mitigation-focused alternative to minimize damage and acknowledges that Alternative Route 9, as proposed by CPS Energy and AEP Texas, is most closely aligned with that approach.

Section 4: KERR COUNTY urges the Public Utility Commission of Texas to fully consider routing options that follow existing infrastructure, minimize land fragmentation, and protect sensitive natural resources.

Section 5: This Resolution shall take effect immediately upon its adoption.

Section 6: Following adoption of this Resolution, KERR COUNTY shall file a protest with the PUCT.

**PASSED AND APPROVED by the Commissioners' Court of KERR COUNTY, Texas, this 1<sup>st</sup> day of April, 2026.**

# 765 kV Transmission Lines – Court Order 41853

Section 4: KERR COUNTY urges the Public Utility Commission of Texas to fully consider routing options that follow existing infrastructure, minimize land fragmentation, and protect sensitive natural resources.

Section 5: This Resolution shall take effect immediately upon its adoption.

Section 6: Following adoption of this Resolution, KERR COUNTY shall file a protest comment form with the PUCT.

PASSED AND APPROVED by the Commissioners' Court of KERR COUNTY, Texas, this 1<sup>st</sup> day of April, 2026.

*Abstained*

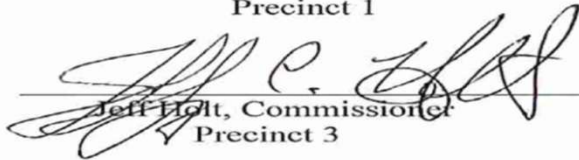
Rob Kelly  
County Judge



Tom Jones, Commissioner  
Precinct 1



Rich Paces, Commissioner  
Precinct 2



Jeff Holt, Commissioner  
Precinct 3



Don Harris, Commissioner  
Precinct 4

ATTEST:



Nadene Alford, Kerr County Clerk

# Interventions & Protests

- PUCT received 2530 protests or interventions, including:
  - Kerr County Commissioners Court resolution and protest
  - Kerr County Commissioner, Rich Paces' protest

# Memorial Cross in Flat Rock Park

*June 6<sup>th</sup>, 2026*

Thanks to:

Michael Collins, KPUB, J3, Bad Company  
Excavation, Pro Rental - Comfort



*Thank You!*

[www.RichPaces.com](http://www.RichPaces.com)

[www.HCESRPC.com](http://www.HCESRPC.com)