

February 12, 2025 Update on BESS

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I am pleased to inform you that it has been a good start to the week in our fight against the Battery Energy Storage Systems (BESS) that are attempting to invade our precious hill country. On Monday, the Kerr County Commissioners' Court unanimously approved all three agenda items associated with forming a Chapter 391 Sub-Regional Planning Commission (SRPC) to fight against Battery Energy Storage Systems (BESS). That included an Inter-local agreement with Kendall County, By-Laws for the Hill Country Energy Sub-Regional Planning Commission (HCESRPC) and a resolution making Kerr County's position against BESS crystal clear. Commissioner Holt and Commissioner Paces were also appointed to represent Kerr County on the Board of the HCESRPC.

Yesterday, Kendall County Commissioners' Court passed the same Interlocal Agreement, the same HCESRPC By-Laws and also passed a similar resolution against BESS and appointing Commissioner McCall and Commissioner Carpenter to the 391 Commission. The resolutions will be used when we start meeting with various state agencies as equals to coordinate our plans for (in our case, against) BESS development in Kerr and Kendall Counties.

Now that the 391 HCESRPC has been formed between Kendall and Kerr Counties, we will have our first meeting this Friday February 14, 2025, at 2:00 p.m. in the Kerr County Courthouse in the Commissioners' courtroom on the main floor. This meeting is open to the public and has been posted on both Kerr County and Kendall County's Courthouses. A copy of the meeting notice which contains the agenda for the meeting is attached. This first meeting will largely cover necessary administrative matters, but we will discuss and agree on actions to be taken to call the first state agencies to meet with our SRPC to "coordinate" our plans with respect to BESS development or preferably the lack thereof.

For those of you who have not been directly involved or may not understand what a 391 SRPC is and why we have spent so much time working to put one in place, I included a link below to an informative guide to forming 391 SRPCs that was prepared by American Stewards of Liberty. Their guidance has been instrumental in getting our 391 HCESRPC formed. I also attached a Q&A document that was used to help our commissioners' courts in their consideration of whether to set up a 391 SRPC. It contains a Travis County District Judge's court order directing TX-DOT to coordinate with Waller County with respect to TX-DOT's proposed high-speed rail that would have gone through Waller County. Waller County's 391 SRPC was successful in stopping the high-speed rail which they opposed. We hope that our HCESRPC will be equally successful with respect to BESS facilities that are being planned in Kerr and Kendall counties. My heartfelt thanks go out to both Dan Byfield and Waller County Judge, Trey Duhon.

Feel free to share this message with anyone who might be interested. My distribution list covers around 450 individuals and

for that reason, I send messages blind copied (the “reply all” mails drive some folks crazy).

Forming 391 Commissions