

PUBLIC COMMENTS

November 14, 2023

Good morning, Claire Nybro, Burnet County voter & taxpayer.

I spent at least 1 hour at the courthouse yesterday, trying to get a copy of the revised Public Comments & Decorum policy since the links in the online Agenda don't work. I still maintain that the Commissioners Court has violated the 72 hour notice requirement under Chapter 551.043 of the Gov't Code because the public has not had access to all the underlying documents to the Agenda.

According to paragraph 3 in the most recent version of the proposed public comments policy, Judge Oakley now wants members of the public to be treated like children who must be seen but not heard, unless we are requested to address the Commissioners Court. Subparagraph (a) states that citizens may address the court at the beginning of an agenda item, but ONLY when recognized by the presiding officer, which is Judge Oakley. So unless Judge Oakley deigns to recognize us, we peons must sit in silence and be content to just observe. How about y'all just sell tickets to your show?

Every time Judge Oakley edits his proposed public comments policy, the rules become more draconian. It seems he has a predilection for authoritarianism: in 2015, when he was president of the PEC Board of Directors, he was accused of unilaterally revising their public comments & decorum policy, and had a PEC member removed from the room by a police officer when that man questioned Judge Oakley's ability to change the rules without a vote from the rest of the Board. There is video evidence of this on YouTube.

A wise man would want to appease the public instead of continuing to show contempt for our free speech civil rights. After 2 public reprimands and a suspension by the State judicial ethics commission, I would think Judge Oakley would have the sense to conduct himself better.

My second issue concerns Agenda item 16, where it looks like Judge Oakley is vying for yet another power grab, this time over the grants process. He wants to have blanket authority over that process. Doesn't the County already have a grant writer in the Auditor's department? Isn't there supposed to be a checks & balances system regarding money? How much more power are the other 4 commissioners going to give Judge Oakley? When is enough enough?

I want Burnet County to be run by 5 commissioners, not just ONE. And NO VOTE today on any new public comments policy - there is so much wrong with Judge Oakley's latest revision of that policy that is unacceptable to anyone who holds our First Amendment right to free speech in high regard.

Thank you.

PEC TRUTHWATCH

Unvarnished truth about Pedernales Electric Cooperative (PEC) from a recent boardroom insider...

One Judge Too Many

MAY 22, 2016 MAY 22, 2016 / LARRY LANDAKER



Jim Powers

Funny thing, county judges. Bert Cobb, the county judge in Hays County wears a full, William Renquist Supreme Court Justice-styled robe, even though Cobb has no law degree. Jim Powers still refers to himself as "Judge Powers" 10 years after his defeat. And James Oakley can't decide whether he prefers President or Judge when he hears his name but, rest assured, he'll gleefully answer to either. Perhaps these men need these titles to compensate for other shortcomings.

Former Hays County Judge Jim Powers is running unopposed in District 4. He will soon sit on the PEC board. It is unfortunate that the citizens in District 4 so take PEC for granted that they failed to field a viable candidate to oppose Mr. Powers. As a consequence PEC gets a political hack, a gold plated wheeler-dealer and undistinguished public servant better known for serving himself than the citizens of Hays County. A sitting county judge, Powers was dumped by Hays County voters (for good reason) in favor of Liz Sumpter in 2006. To get an idea why, here's a little stroll down memory lane.

<http://www.austinchronicle.com/news/2000-07-07/77865/>
(<http://www.austinchronicle.com/news/2000-07-07/77865/>)

<http://www.austinchronicle.com/feedback/2004-11-19/238768/>
(<http://www.austinchronicle.com/feedback/2004-11-19/238768/>)

Powers, unfortunately, is as good as elected. Bad enough that a character like Powers will soon sit on the PEC board. He may soon join the tyrannical James Oakley, the current PEC Board president and absolute monarch of Burnet County. That is, of course, unless the members wise up and send Oakley packing. What is at stake? If Oakley is not defeated, the opportunity to completely reverse the hard-earned reforms that were implemented since the fall of Bennie Fuelberg will come to pass. The wheeler-dealers care not a wit about the members or the cooperative model or anyone other than themselves. No wonder Americans in both political parties are in revolt with business as usual.

Only James Oakley looks into a mirror and sees no conflict of interest in his serving as the county judge of Burnet County and Board President of PEC. He sees nothing wrong with having a ringside seat into real estate and other business dealings that involve both county and cooperative interests (which are often at odds). He sees no irony in the fact that the groundbreaking of a Taj Majal of PEC district offices was recently dedicated in Burnet County to great fanfare and with full credit given to him while other districts (such as the one in Cedar Park which remains woefully in need) await with a tin cup in hand for their facelifts. Nope. For Oakley, governing is all about what is good for James Oakley, morning noon and night.

In just one short year as Board President, James Oakley has piled up an impressive record of embarrassments, anti-democratic actions and reform-reversal, to wit:

1. Autocratic attempt to shut down members right to speak at board meetings. Changed rules and became sole decider onif, what and when members could speak. Result: backtrack & full board rebuked incident...referendum item on ballot June 2016

<https://pectruthwatch.com/2015/08/20/a-tale-of-two-videos/>
[\(https://pectruthwatch.com/2015/08/20/a-tale-of-two-videos/\)](https://pectruthwatch.com/2015/08/20/a-tale-of-two-videos/)

2. Struck down Code of Conduct provision requiring sitting directors to remain neutral in director elections. Door wide open with no restrictions on director actions. Anything goes.
3. Led initiative to release PEC member voting records to candidates for political direct mail targeting. Enables direct



mailing, no restrictions on content.

4. Initiated PEC officers non-noticed meetings, with management & staff for briefings, discussions on PEC business matters as non-quorum meetings wherein there are no rules.

Abolished committees. Quasi executive committee function.

5. Has inherent conflicts of interest and has blurred the lines of fiduciary responsibilities between conflicting roles of PEC director and a county judge. Does not recognize the “appearance” of conflict of interest even if no actual conflict exists. Never recused himself from any transactions.

Unilaterally reversed a board decision in the public media in the Bertram decision.

<https://pectruthwatch.com/2015/09/06/the-bertram-fiasco/>
James Oakley has to go. Send Oakley home to spend 100% of his time in Burnett County. Citizens are paying him amply to be there. Vote instead for the highly able Carlos Palasciano.

Uncategorized

5 thoughts on “One Judge Too Many”

1. *Anonymous*

MAY 23, 2016 AT 9:28 AM

Once again, readers of this blog are routinely exposed to the disgruntled “Lost my seat” Larry version of reality. He paints and casts shadows within an imaginary world of his own creation. There is no conflict in my serving as Judge and as a Director. The PEC bylaws are very clear what constitutes a conflict. I could not be a qualified candidate if there was a conflict. Outside legal council has provided a written opinion that there is no conflict. Even Larry must have thought there was no conflict when he asked for my endorsement for his re-election to the Board. If there is a desire to change the rules, then let’s have that discussion. Where would that line be drawn ? Serving in an elected capacity of a POA, school board, city council, ESD, Senator, then be banned as being elected as well to serve on the co-op board ?

So, one by one on your false points –

1. I never tried to shut down having member comments at meetings, in fact I encourage it and have opened up agenda item discussions to include members present to weigh in. Larry, you know this as I have allowed you to do this. I have, however, utilized the authority and responsibility of

the board chair to maintain decorum during the meeting. That meant muting a member when comments turned into personal attacks, unfounded accusations and innuendoes unrelated to the coop.

2. I did indeed vote to remove this restriction that was not being respected anyway. Free speech is a constitutional right. If a Director has an opinion on an issue or candidate, they should have the right to express it.

3. Yes, I voted for allowing voting members to receive information via post office mail. Only about 10% of the approx. 230,000 members vote. There is also a very easy way to opt out of that.

4. Yes, I do invite the 2 officers to participate in the draft agenda build meeting. It is not a quorum of the board, not against any policies and is a very productive component in the process. The committee meetings you referred to is way that you and other prior directors used to charge the coop \$500 for a gathering. Under my leadership, the Board only meets once a month, as required in the bylaws. This saves the coop thousands of dollars a month.

5. You are mistaken on the facts of the Bertram office. Read the minutes, there was not a vote to close the office. So when rumors swirled that it was closing, I clarified the story to the press by word for word accounts of the minutes of the meeting.

Also, you have cast a shadow on the construction of the Marble Falls facility. You failed to mention that this is a replacement facility. The existing facility sits on 10 acres, but only three are usable because a flood prone creek divides it. The build was found to have a severe mold issue, and you voted to replace it and we're on the board when the scope of the new facility was developed. As for the other service areas like Cedar Park as you mention, I can assure you that there is a lot on the planning board for that area as well as other parts of the footprint. However, at this stage, particulars of these plans are protected as confidential executive session material.

If anyone ever wants the real truth, just call me....

James Oakley
512-744-5205

REPLY

2. ***Les Carnes***

MAY 24, 2016 AT 8:08 PM

Oakley, you don't pass the smell test. Larry's right and if you can't take the exposure then maybe you're in the wrong profession.

"appearance" of conflict of interest says it all.

REPLY

3. **Larry Landaker**

MAY 27, 2016 AT 8:24 PM

Editor's Note: I removed James Oakley's most recent comment, benign though it was. For the moment, Mr. Oakley will not have access to the comment area of this site for the following reason. I received several complaints from followers of this blog that whenever they clicked on Mr. Oakley's most recent comment (in response to Les Carnes), they received a pop-up page that says "Gravitar". While most people might ignore this and move on to something else, they found themselves unable to do so--frozen (because Gravitar is waiting for a response). They then had to exit the page and open a new tab to continue. A test was run of many other members on this blog and none were found to have this issue. I cannot expose the integrity of this site to any hint of cyber attack. If and when Mr. Oakley can fix what appear to be an infected IP address, then his comment rights will be restored.

REPLY

4. **billc1080**

MAY 29, 2016 AT 9:51 PM

Change the title to Two Judges Too Many.

Sounds like PEC is regressing to the good ol' boys Bennie & Bud days. Gee, Bud was a judge too... coincidence? Make that three judges too many?

The only positive is that General Manager Hewa isn't a Bennie, and that we have a chance to elect an alternative on one of the judges. (Should be both. Where are our other candidates?)

REPLY

5. **James Oakley**

MAY 30, 2016 AT 9:41 AM

I do not know what 'gravitar' is, I have posted to this site with the same Apple devices that I always have.

REPLY

New Rules

AUGUST 19, 2015MAY 23, 2016 / LARRY LANDAKER



(<https://pectruthwatch.files.wordpress.com/2015/08/oakley.jpg>) There has never been any love lost between Ernest Altgelt and the PEC board over the years. I have had more than a few tangles with Mr. Altgelt myself. During the two years I was board president, I remember him accusing the board of being the "Enron of the Hill Country". My response to him was pointed and heated. He was rude in his comments toward Patrick Cox, who was the board president until last June, often demanding that he resign or belittling his well-earned PhD. Occasionally Altgelt goes too far as when he had inappropriate interactions with staff members—something which had to be stopped. He seldom speaks about matters germane to the day's business, choosing instead to address his own subjects. Occasionally he is right as he was when he

demanded the travel expenses for every board member. Members have the right to know these things. Mr. Altgelt is a gadfly and an oddball...but he occasionally offers a nugget of truth. Above all else, he has every right to speak.

Free speech is a very big deal with me. I will travel some distance to fight for someone who has been publicly silenced by a heavy hand. Mr. Altgelt was silenced yesterday in a PEC board meeting by an overzealous board president, James Oakley. Mr. Oakley ordered Mr. Altgelt's microphone muted when he disagreed with what Mr. Altgelt had to say. When that didn't work, Mr. Oakley ordered an armed security officer to remove Altgelt from the meeting. Altgelt extended his hands to the officer and asked to be tased and handcuffed in protest. This ridiculous, Kafkaesque scene played out in full view and on camera during the member comments section of the meeting.



(<https://pectruthwatch.files.wordpress.com/2015/08/altgelt.jpg>).

(Note: The security officer was Johnson City Police Chief Randy Holland who handled the situation with skill and great restraint, gently speaking with Altgelt and nudging him toward the door. It was a model of good policing).

Prior to member comments Mr. Oakley took the occasion to lecture the members present about his new rules. He declared that he had unilaterally changed the rules of decorum (which were unanimously passed by the Board several years ago and which have served us perfectly well ever since). Mr. Oakley inferred that member comments were somehow a privilege granted by the chairman, that they could be taken away at any time, that comments had to be germane to the topics of the day, etc etc. In essence he was saying, "If I don't like what I hear I will cut off your mic." (<https://pectruthwatch.files.wordpress.com/2015/08/new-rules.png>) This authoritarian rubbish is unacceptable. It should not be tolerated by the members who fought hard for the unfettered

right to speak. It was the Fuelberg regime which conducted its business without public comment or even meeting access. A revolt of the members ensued over this and many other matters and eventually the members filed a successful class action lawsuit against the Cooperative and won.



Mr. Oakley should be reminded that when he is presiding over a PEC meeting, he is not in commissioner's court in Burnet county where he is apparently the grand poo-bah who gets to make his own rules. Until 7 years ago, PEC was a secretive, lawless enterprise with rules known only to those who ran it. When it comes to limiting free speech, Mr. Oakley should tread lightly. He either believes in constitutionally protected free speech or he doesn't. Telling people what they can or cannot say or how they say it invites big trouble. He should tell members that they have 3 minutes to speak and then let them have at it. Mr. Oakley should know of the futility of prior restraint when it comes to free speech in the United States.

Mr. Oakley should have known better than to fall into Mr. Altgelt's trap. He surely has enough experience to understand that you never win such encounters—the optics of the police being called to remove a citizen for heckling or speaking his mind often results in sympathy for the protester. Citizens take sides with their fellow citizens. Censoring him censors me. YouTube is full of these things.

Besides, it is naive for President Oakley or anyone else to believe that he can truly stifle speech critical of him. We live in a social media world with blogs, Twitter, Facebook, YouTube, etc. These are the great equalizer. For example, when I publish this blog, it will automatically post to my Twitter, Facebook and LinkedIn accounts with thousands of followers, many of them PEC members. By pushing another button I could link this story to an email blast to over 7,000 PEC members I have gathered over the years...and it all can be seen worldwide by anyone with one of these accounts and Mr. Oakley has no say in what I say. Censorship and control of free speech is quite yesterday.

By contract how many people watch the live streaming of the PEC meetings? 50? How many people attend the meetings—a dozen?

Come on James Oakley, get a thicker skin. You are better than this. A leader's strength and power is derived from his patience and restraint, not bombast and heavy handedness. I am pulling for you to be the former, not the latter. I like you and want you to do well, if for no other reason than I revere the cooperative.

I disapprove of
what you say, but
I will defend to
the death your
right to say it.



Voltaire

(<https://pectruthwatch.files.wordpress.com/2015/08/voltaire.jpg>) In the end it is always better to let people speak, even those you do not like. Let them say what is on their mind, even if they choose to read recipes from a book. As a board member I always learned far more from our members than I ever learned from almost anyone else in the room.

Uncategorized

6 thoughts on “New Rules”

1. *Milton Hawkins*

AUGUST 19, 2015 AT 9:39 PM

I was watching the video feed of the PEC Board meeting around noon Tuesday in order to see the owner-member comments. But first I had to listen to a rather long dissertation by Judge James Oakley, the county judge of Burnet County, and the current Board president, during which he suggested that the Board during its meetings might just eliminate the comment period entirely and thereby end any opportunity for the cooperative's owners to address agenda items at public meetings.

He also pointed to new language governing the presentation of comments and stressed the necessity of one's addressing agenda items only.

His announcement took at least one director, Cristi Clement, by surprise, for she asked when these changes had been discussed, with whom, and why there had been no vote by the Board.

Once Judge Oakley was done, Ernest Altgelt began his three-minute comment, intending to comment at the outset on what he had just heard from Judge Oakley. Then, on being abruptly interrupted by Judge Oakley with the charge that he was straying from agenda items, Ernest began his planned comment on the on-going litigation involving Director Perry, only to be told that he was not permitted to address that topic either, presumably because it was also not on the agenda.

I say presumably because the video and audio feeds were cut the moment Ernest mentioned that Emily Pataki and Judge Oakley had been at the hearing Friday in Burnet, where Judge Stubbs was considering Perry's Motion for Summary Judgment.

If Judge Oakley did indeed cut Ernest off because he believed that Ernest was addressing a topic that was not on the agenda, Judge Oakley acted improperly.

The published agenda for today's Board meeting contains the following item:

12. Executive Session

A. Legal Matters [my emphasis]

1. Update on Litigation and Other Legal Matters [my emphasis]
2. Matters in Which the Board Seeks the Advice of Its Attorney as Privileged

Communications in the Rendition of Professional Legal Services

And the case of Perry v PEC is very much a "legal matter." Judge Stubbs heard the summary judgment motion last Friday and will render his decision Monday or Tuesday of next week, having given the attorneys on both sides time this week to file additional material for consideration. Judge Oakley was in the courtroom in Burnet and would have heard the judge's announcement of his plans.

I do not know for certain, of course, but having talked to Ernest in Burnet, and having observed and heard what he saw and heard there, I suspect he would have asked the Board to end this expensive effort to prevent Director Perry from obtaining information about communications between PEC and its major power provider, LCRA, whose charges largely determine our cooperative's rates for electric power.

In any event, Ernest was addressing a topic that was on the agenda, and one that no doubt got plenty of discussion in the Board's Executive Session, away from the eyes and ears of us mere owner-members.

I don't know what happened after the audio and video feeds were cut, but I do know that Ernest wasn't hauled off to jail, or worse, for I heard him ask, as Judge Oakley was breaking for lunch, for an extension of time to address the Board. Judge Oakley said "No."

I guess doing away with owner-member comments is a step in a logical progression for folks who conduct much of the cooperative's business in secret and who kill microphones and terminate live video feeds when their behavior is being called into question.

Fear not: things can get worse, and probably will.

Milton Hawkins

PS: You can see the video (what was filmed, at least, and then the blank screen) on the PEC web site.

REPLY

2. *James Oakley*

AUGUST 19, 2015 AT 10:03 PM

Dearest Larry –

I hope you embrace the notion of free speech as it relates to my rebuttal of your viewpoints since it is your blog and you own the mute button. Once again we are entertained with your embellished account of events without including all the facts. I would challenge any readers to watch the video of the member comment section of our last meeting. It is about 2 hours into recording. I disagree that I lectured members about declaring new rules. I felt like I adequately articulated the existing decorum policy, nothing new there except for an expectation in the event of non-compliance.

You mentioned that Mr. Altgelt has previously "gone too far in having inappropriate interactions with staff – which had to be stopped". I would maintain that yesterday's remedy was a parallel repeat of his inappropriate interaction during a PEC meeting that, too, had to be stopped. The pre-existing policy was explained and it was depicted on the sign-up sheet and the consequences were printed and reinforced verbally as well. I gave him a warning moments into his dialogue to which he responded in a very disrespectful way. Then when he began a personal attack on a sitting Director and a sitting District Judge, at that point, I did indeed proceed to enact the remedy that was in place. As General Counsel stated in the meeting, the PEC is a private corporation and as such, there is no constitutional right to free speech at the meeting. There is no member right that allows for such either. Free speech is a constitutional right in public places. When the errant speaker refused to remove

himself from the podium, I did indeed ask the security officer (yes they are generally armed) to assist. I hardly ordered him to do so. I would mention this was not the first time that the security officer has had to interact with Mr. Altgelt.

You categorized my handling of the situation as “authoritarian rubbish ” even though I had verbally stated, and as was included on the sign up sheet, that the majority of the board could overrule the action of the Chairman. Please review the recording, there was no motion to that effect. I can assure you I fell in no trap as you infer. To the contrary, the events as they played out proved to show my respect of fellow Directors, staff and the membership. Since that moment, I have received numerous texts, emails, calls and good old slaps on the back applauding me for taking a definitive stance on what is really a pitiful situation. To be clear, I do invite member comments at the meeting, but, that platform is no way to be used as a no rules apply opportunity to make personal attacks that in no way corrolate to the business of the cooperative.

Your post seems to threaten me by stating you could simply push a button and send your blog post to over 7,000 member emails you have gathered over the years. In the last PEC election, in which you handily lost your position, you received 1,632 votes. My take is that most of the folks on your digital contact list might would rather not be.

Again, I hope you embrace the same expectation of others when it come to free speech and post my comment.

REPLY

o *Milton Hawkins*

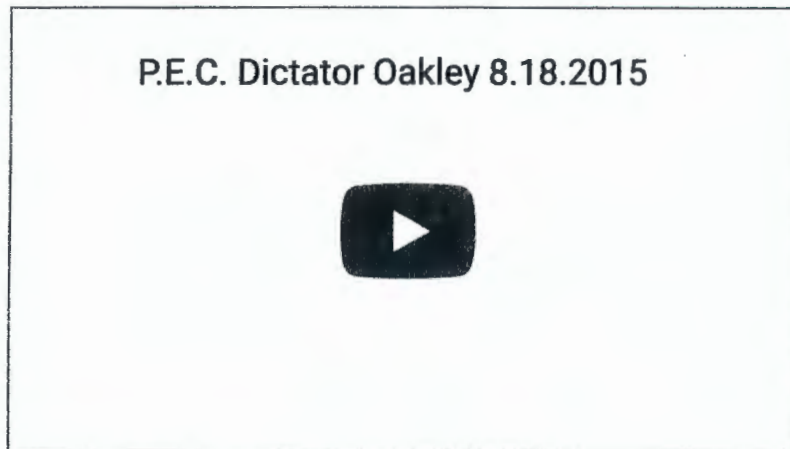
AUGUST 20, 2015 AT 9:07 PM

Having now watched Tom Roudebush’s video of the meeting, covering the parts that were blacked out by PEC, I can say with certainty that, contrary to Judge Oakley’s assertion in his comment on this blog, Ernest never attacked “a sitting Director” (Emily Pataki or Judge Oakley) or a “sitting District Judge” (Judge Evan Stubbs).

Ernest got only the following out of his mouth before Judge Oakley interrupted him and ordered the audio and video feeds cut: “Ms. Pataki and you were at Burnet County before Judge Stubbs.”

I also noticed that, contrary to his assertion in his posted comment about Ernest’s having launched a “personal attack,” Judge Oakley in the actual meeting resorted to the new rules he had enacted and announced at the beginning of the meeting. He accused Ernest of having strayed from topics on the published agenda.

Use the link Tom provided,



to check all this out for yourselves.

I've dealt with this charge (attempting to address a topic not on the agenda) already, and posted my response on this blog as a comment, making the point that "Legal Matters" was indeed an item on the published agenda.

But I'd question even further, focusing on the advent of this new "guideline" (to use the outside counsel's term) that speakers must address items on the agenda for a specific meeting. Despite Judge Oakley's repeated references to PEC's Decorum Policy, which I downloaded from the PEC web site and reviewed just today, that policy doesn't require that speakers address specific agenda topics.

Here's the relevant part:

http://www.pec.coop/Home/Your_Cooperative/Meetings_and_Voting.aspx

<http://www.pec.coop/docs/default.../decorum-policy-final-9-15-14.pdf?...>

DECORUM POLICY

2. Board of Directors' Meetings

2.6. Participants shall refrain from disruptive behavior.

Distracting, irrelevant or unrelated subject matter, personal or character attacks, speaking out of turn, approaching or standing at the Board meeting dais without the permission of the Presiding Officer, or improperly sidetracking the attention of other Participants are examples of disruptive behavior.

The closest we get here to regulations regarding the content of the speaker's comments are the examples of "disruptive behavior," among them "[d]istracting, irrelevant or unrelated subject matter."

As I've pointed out earlier, the lawsuit *Perry v. PEC* is a legal matter involving secret communications between officials of PEC and LCRA, PEC's major power supplier. Hardly a matter that is irrelevant, and very much a "legal matter" that would be "related" and included in the agenda item "Legal Matters."

I think it is clear, now, that Judge Oakley first manufactured ("enacted") a policy, with the aid of the outside counsel, modifying the existing Board-approved Decorum Policy as they saw fit, and then used that policy to silence Ernest, acting on his assumption that Ernest was going to make remarks critical of the Board's handling of Director Perry's request for access to the communications he wants to examine.

Regards to all, and enjoy Tom's video.

Milton

REPLY

3. ***Richard Golladay***

AUGUST 20, 2015 AT 10:28 AM

In that same meeting, Judge Oakley voted in favor of striking an article from the Directors Code of Conduct (Article B8), which forbids sitting Directors from making political endorsements in future Board elections. Now Mr. Oakley and other Board members are presumably free to take swipes at sitting Board members in the public forum, which, as we know, in politics can be ad-hominem, divisive, and shallow. So while Mr. Oakley has reserved for himself an authoritarian power to unilaterally mute and stifle member comments, he has hypocritically helped eliminate the Director Code of Conduct "decorum" rule that previously set boundaries on his own conduct. This appears to be an abuse of power, and the latest evidence of an orchestrated attempt to turn PEC's Board into a partisan political organization, rather than a member-owned Electric Co-op Board.

REPLY

4. ***James Oakley***

AUGUST 20, 2015 AT 3:12 PM

Mr. Golladay –

The chair of the meeting has always had the "power" to mute the microphone and take other actions to maintain the decorum as set forth by policy. I merely enacted that authority. As mentioned prior, by democratic rule, a majority of the board (4 of the 7 members) may override the presiding officer.

As for the Director Code of Conduct modification, I proudly claim that I embrace Constitutional rights. I do not believe the PEC Board of Directors has the legal authority to "muffle" potential candidate support when off of PEC property. I dispute your claim that I am part of an "orchestrated attempt to turn the PEC's Board into a partisan organization..." . Respecting the Constitution is a far cry from your assertion.

REPLY

5. *James Oakley*

AUGUST 20, 2015 AT 10:24 PM

Milton –

Thanks for your comment. What you may not realize is that I have already heard the story he was telling, and I knew what the next sentence was going to be. Out of respect for the parties involved, I was not going to let that next sentiment occur. As former Director Landacker pointed out, Ernest has a long history of inappropriate actions during the meetings and with female staff in the facility. While it may appear that I was a bit quick on the trigger, and I get that, it was based on ample history. I maintain that pursuant to section 2.6 of the Decorum policy, his most recent actions are reminiscent of past and do not adhere to the policy. I do take exception to your reference to a dictator. Does your video indicate a motion and second to allow continuance as allowed for? Maybe you could manufacture that.

Respectfully,

James Oakley

REPLY

CREATE A FREE WEBSITE OR BLOG AT WORDPRESS.COM. DO NOT SELL OR SHARE MY PERSONAL INFORMATION

A Tale of Two Videos

AUGUST 20, 2015 AUGUST 21, 2015 / LARRY LANDAKER



(<https://pectruthwatch.files.wordpress.com/2015/08/altgelt-wants-handcuffs.jpg>) PEC Truthwatch has obtained two videos shot at the PEC meeting on Tuesday, August 18 by independent videographer/producer Tom Roudebush. Roudebush has been a fixture at PEC board meetings for two years and is presumed to be paid by Mr. Altgelt. It has been his practice to sit in the audience and videotape meetings as well as other interactions among members.

The two videos are linked here: https://www.youtube.com/watch?v=1HNQ8t9_Wcg&feature=youtu.be
(https://www.youtube.com/watch?v=1HNQ8t9_Wcg&feature=youtu.be)

And here: <https://www.youtube.com/watch?v=hBvzvufgnJY&feature=youtu.be>
(<https://www.youtube.com/watch?v=hBvzvufgnJY&feature=youtu.be>)

Member Milton Hawkins reviewed the first video and publicly communicated his views as follows:

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(http://www.pec.coop/Home/Your_Cooperative/Meetings_and_Voting.aspx)
<http://www.pec.coop/docs/default.../decorum-policy-final-9-15-14.pdf?..>
(<http://www.pec.coop/docs/default.../decorum-policy-final-9-15-14.pdf?..>).*

DECORUM POLICY

2. Board of Directors' Meetings

2.6. Participants shall refrain from disruptive behavior. Distracting, irrelevant or unrelated subject matter, personal or character attacks, speaking out of turn, approaching or standing at the Board meeting dais without the permission of the Presiding Officer, or improperly sidetracking the attention of other Participants are examples of disruptive behavior.

The closest we get here to regulations regarding the content of the speaker's comments are the examples of "disruptive behavior," among them "[d]istracting, irrelevant or unrelated subject matter."

*As I've pointed out earlier, the lawsuit *Perry v. PEC* is a legal matter involving secret communications between officials of PEC and LCRA, PEC's major power supplier. Hardly a matter that is irrelevant, and very much a "legal matter" that would be "related" and included in the agenda item "Legal Matters."*

I think it is clear, now, that Judge Oakley first manufactured ("enacted") a policy, with the aid of the outside counsel, modifying the existing Board-approved Decorum Policy as they saw fit, and then used that policy to silence Ernest, acting on his assumption that Ernest was going to make remarks critical of the Board's handling of Director Perry's request for access to the communications he wants to examine.

Regards to all, and enjoy Tom's video.

Milton

UPDATE: Additional comments have been submitted via email distribution since this post. One if from member Carlos Higgins—in its entirety below:

August 21, 2015

Fellow PEC member/owners:

After watching the video of the PEC meeting where Ernest Altgelt is stripped of whatever rights or privileges any member/owner has to address the Board, unnecessarily escorted out of the meeting by the police, and scolded by an arrogant Board President in the bargain, I don't know how any fair and rational person could avoid drawing conclusions much like these:

1. Our other elected Board members seemed surprised and puzzled by the new edicts that were announced by the Board President and defended by the PEC Attorney.

2. Other than tentative objections voiced very politely by one Board Member, it seems obvious that our PEC Board is ignoring the basic premise under which they were elected by the member/owners. That is, under Section 10. of the PEC Bylaws, it is the Board that has the power to make and adopt the rules. It is not the prerogative of any one member of the Board, including a Board member who serves as President of the Board, to unilaterally

concoct and interpret Rules for all other Board members to meekly follow.

3. Our Board members seem to have forgotten that each one of them shares equally in the obligations they have to conduct Board meetings openly and fairly, and they are remiss when they sit silently while one member of the Board, even though seemingly with the support of the PEC Attorney, effectively reduces the role of other Board members to that of spectators.

4. Our Board members seem to have forgotten that when they elected one Board member to sit as President of the Board, that the authority they delegated to their President was limited, and could be expanded only in two ways: By the Board duly considering the expansion and voting on the change, or by timid inaction of the Board as the President arrogates additional powers unto himself.

5. Our Board members seem unaware that they can easily replace an errant President with the concurrence of only four Board members. The Bylaws (Art. V, Sec. 3) make clear that the President may be removed by "an affirmative vote of four (4) or more Directors whenever in its judgment the best interests of the Cooperative will be served." Furthermore, (under Art IV, Sec 2, a special meeting of the Board may be called by only four members.

Viewers of the video of that Board meeting may readily agree that the best interests of the Cooperative would be served if this Board takes action to restore the PEC Board to a Board of 7 instead of becoming a Board of ONE. They will certainly agree such action is needed if in their eyes, the actions of the current President amounts to petty tyranny. And they will likely realize that, as thoughtful historians have said, most tyrannies have been possible because those who could have easily stopped the tyranny were simply too tolerant for too long."

*Carlos Higgins Austin, TX 512 258 3564 (tel:512%20258%203564)
CarlosTX@sbcglobal.net (<mailto:CarlosTX@sbcglobal.net>)
Uncategorized*

3 thoughts on “A Tale of Two Videos”

1. *Milton Hawkins*

AUGUST 21, 2015 AT 1:53 PM

Carlos,

You may now add as evidence for your suggested conclusions this admission by Judge Oakley, that his cutting off Ernest's comment was an exercise in prior restraint, based on what he thought Ernest might say:

[<http://pectruthwatch.com/2015/08/19/new-rules/#comments>]

James Oakley commented on New Rules.

in response to Larry Landaker:

Milton –

Thanks for your comment. What you may not realize is that I have already heard the story he was telling, and I knew what the next sentence was going to be. Out of respect for the parties involved, I was not going to let that next sentiment occur. As former Director Landacker pointed out, Ernest has a long history of inappropriate actions during the meetings and with female staff in the facility. While it may appear that I was a bit quick on the trigger, and I get that, it was based on ample history. I maintain that pursuant to section 2.6 of the Decorum policy, his most recent actions are reminiscent of past and do not adhere to the policy. I do take exception to your reference to a dictator. Does your video indicate a motion and second to allow continuance as allowed for? Maybe you could manufacture that.

Respectfully,

James Oakley

This is rank censorship, based on mere suspicion, and all owner-members suffer when such power is exercised.

I always suspected that Judge Oakley had cut Ernest off because he didn't want to allow Ernest to address certain “legal matters,” as the agenda puts it, but I never expected to see Judge Oakley admit it in such a public way, especially after having said, so publicly, that he had acted because Ernest (1) had strayed from the agenda or (2) had attacked “a sitting Director” and a “sitting District Judge.”

I'm surprised more people aren't offended by what Judge Oakley did to Ernest (and to all of us) on Tuesday, for, without strongly voiced objection and timely action by other directors,

he can do the same to them when their opportunity comes to voice their concerns about the way the cooperative is being run.

Thank you for stating these conclusions.

Milton

PS: The person who made the video added the description that accompanied the video. He saw it all and chose a word, "Dictator," that he thought fit the action.

REPLY

2. *Joe Summy*

AUGUST 21, 2015 AT 8:47 PM

Larry, the precedent for allowing the bad behaviors you mentioned have occurred regularly at board meetings and allowed by every board president and every board member since the reforms...even the outrageous and insulting comments to women employees of which you reference. I know of no attempts to curb these bad behaviors except one time. That is when the Board declared Mr. Altgelt could not attend the annual meeting two years ago. And even here a sitting board member, Perry, by prior agreement allowed Mr. Altgelt inside to attend the meeting...and then the board even allowed him to speak. The board blinked and the female employees were outraged. The Board, since 2008, and this includes the whole time you were on the board-and as its president-is responsible for what happened at the last meeting. Either it should enforce the decorum rules or do away with them.

I haven't talked to Judge Oakley. And I do not support limiting members remarks to just what is on the agenda. Limitations should be reasonable to anything the member wants to talk about concerning the PEC. I do support appropriate decorum. The rules are well posted outside the board room, but one employee stated to me"...sadly they are not enforced".

But what happened at the PEC meeting with Mr. Altgelt did not come as a surprise and the precedent set by prior boards had fail to curb serious decorum issues....like it or not it appears the president was trying to enforce what previous presidents and boards have failed to enforce.. And unfortunately it appears he went way too far.

De Colores!.

REPLY

3. Pingback: One Judge Too Many | PEC TRUTHWATCH

CREATE A FREE WEBSITE OR BLOG AT WORDPRESS.COM. DO NOT SELL OR SHARE MY
PERSONAL INFORMATION



Board of Directors

Regular Meeting

~ Minutes ~

PO Box 1
Johnson City, TX 78636
www.pec.coop

Call PEC Toll Free
1-888- 554-4732

Tuesday, August 18, 2015

10:00 AM

PEC Headquarters Auditorium

Open Session of this Regular Meeting was held in the PEC Auditorium and was video recorded in accordance with Open Meetings Policy. Members were able to watch this meeting by live-stream from the PEC website at <http://www.pec.coop/boardvideos>

Member comments were received at noon.

1. Call to Order and Roll Call

10:00 AM Meeting called to order on August 18, 2015 at PEC Headquarters Auditorium, 201 South Avenue F, Johnson City, TX.

Attendee Name	Title	Status	Arrived
Cristi Clement	District 1 Director	Present	10:02 AM
Emily Pataki	District 2 Director	Present	10:00 AM
Kathryn Scanlon	District 3 Director	Present	10:00 AM
Chris Perry	District 4 Director	Remote	10:04 AM
Paul Graf	District 6 Director	Present	10:00 AM
Amy Lea SJ Akers	District 7 Director	Present	10:00 AM
James Oakley	District 5 Director	Present	10:00 AM

2. Adoption of Agenda

The agenda was adopted without objection.

3. Minutes Approval

A. Tuesday, July 21, 2015 Regular Meeting

Following a recommendation from Director Paul Graf, the minutes were approved without objection.

4. General Consent Items

There were no general consent items.

5. Matters from Legal Counsel

A. (Resolution 2015-67) Annual Review of Election Policy and Procedure - D Richards
Outside General Counsel Don Richards stated that he was available to answer questions on the Election Policy and Procedures revisions. Director Cristi Clement arrived at 10:02 am. Following discussion, Director Paul Graf moved to remove "in a form" so that the new language reads, "and PEC Corporate Statistics approved by the Board in the Communications Plan".

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Paul Graf, District 6 Director
SECONDER:	Kathryn Scanlon, District 3 Director
AYES:	Clement, Pataki, Scanlon, Perry, Graf, SJ Akers, Oakley

B. (Resolution 2015-68) Amendments to Directors Code of Conduct - D Richards
Director Cristi Clement reviewed recommendations provided by Scott Luecal during the last Board assessment and then moved to table the resolution and allow for a member comment period. Director Kathy Scanlon seconded the motion. Following discussion on the proposed changes, the Board voted 3-4 with Directors Pataki, Perry, Graf, Oakley opposed and the motion to table failed. Director Chris Perry moved to approve the amendment as written and Director Emily Pataki seconded. The Board voted 4-3 to approve the resolution with Directors Clement, Scanlon and Akers opposed.

RESULT:	ADOPTED [4 TO 3]
MOVER:	Chris Perry, District 4 Director
SECONDER:	Emily Pataki, District 2 Director
AYES:	Emily Pataki, Chris Perry, Paul Graf, James Oakley
NAYS:	Cristi Clement, Kathryn Scanlon, Amy Lea SJ Akers

C. (Resolution 2015-69) Adoption of Policy Inventory and Policy on Policies - D Ballard
VP of Legal Services Don Ballard reviewed the proposed resolution on the adoption of the Policy Inventory and Policy on Policies as included in the Board package.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Paul Graf, District 6 Director
SECONDER:	Cristi Clement, District 1 Director
AYES:	Clement, Pataki, Scanlon, Perry, Graf, SJ Akers, Oakley

D. Annual Review of Directors' Code of Conduct - D Richards
Outside General Counsel Don Richards provided an annual review of the Directors' Code of Conduct PowerPoint Presentation as included in the Board package.

E. Annual Review and Submission of Conflicts of Interest Certification and Disclosure Forms from Directors
Outside General Counsel Don Richards asked that the directors sign and submit the Conflict of Interest Policy and the Director Affirmation forms as included in the Board package.

6. Matters from Directors

A. James Oakley

1. (Resolution 2015-70) Appointment of 2015 CFC District Meeting Voting Delegates for Meeting in Albuquerque on October 22, 2015

Following a Board discussion regarding the possibility of remote voting, the Board recommended Cristi Clement as voting and Kathy Scanlon as alternate delegates.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kathryn Scanlon, District 3 Director
SECONDER:	Emily Pataki, District 2 Director
AYES:	Clement, Pataki, Scanlon, Perry, Graf, SJ Akers, Oakley

B. Cristi Clement

1. Information on TEC Political Action Committee (PAC) and NRECA International Foundation

Director Cristi Clement provided information on ACRE as the TEC Political Action Committee of the NRECA and NRECA Foundation as included in the Board package.

7. Chief Executive Officer

A. CEO - Reports

1. Chief Executive Officer Update

CEO John Hewa reviewed the CEO Monthly Message PowerPoint presentation (appendix 7.A.1.a). Directors shared comments on the achievement of controllable cost, concern for employees with NISC project, and solar on-bill financing.

2. Financial Services Report - T Golden

CFO Tracy Golden reviewed the Monthly Financials PowerPoint presentation as included in the Board package. Mr. Golden reported on expected power cost adjustment (PCA) reductions in November 2015 and possibly in 2016. He also reported on the progress of staff meetings with FEMA regarding claims of \$1.7 million.

3. Corporate Services Report (written report in materials)

The written report for Corporate Services Report was included in the Board package.

4. Operations Report (written report in materials)

The written report for Operations Report was included in the Board package.

5. Engineering and Energy Innovations Report (written report in materials)

The written report for Engineering and Energy Innovations Report was included in the Board package.

6. Power Supply and Energy Services Report (written report in materials)

The written report for Power Supply and Energy Services Report was included in the Board package.

7. Member Services Report (written report in materials)

The written report for Member Services Report was included in the Board package.

8. Information Technology (written report in materials)

The written report for Information Technology Report was included in the Board package.

B. CEO - Action Items/Other Items

1. LED Lighting - Night Skies Improvement and Potential Savings - B Hicks

VP of Engineering and Energy Innovations Brad Hicks reviewed the LED Lighting - Night Skies Improvement and Potential Savings PowerPoint presentation as included in the Board package and displayed the LED fixtures, shields and dimming features. Mr. Hicks answered questions regarding retro fitting lights and temperature ranges.

2. (Resolution 2015-71) 2016 Annual Meeting Planning - M Racis

VP of Communications and Business Services Michael Racis reviewed the 2016 Annual Meeting Planning recommendation as included in the Board package. Mr. Racis reported on options other than high schools that were not on the list for consideration for various reasons. Director Amy Lea SJ Akers asked that staff look at Austin Community College lecture halls in future years and work to keep the list growing. At 11:29 am President James Oakley announced a break and at 11:45 am the meeting reconvened.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Emily Pataki, District 2 Director
SECONDER:	Kathryn Scanlon, District 3 Director
AYES:	Clement, Pataki, Scanlon, Perry, Graf, SJ Akers, Oakley

3. (Resolution 2015-72) Substation Maintenance Services Master Service Agreement - B Hicks

VP of Energy and Engineering Innovations Brad Hicks reviewed the proposed resolution for Substation Maintenance Master Service Agreement as included in the Board package. CEO John Hewa added that the term is up to 5 years and \$5 million, and the agreement could be severed by the Cooperative at anytime.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Paul Graf, District 6 Director
SECONDER:	Cristi Clement, District 1 Director
AYES:	Clement, Pataki, Scanlon, Perry, Graf, SJ Akers, Oakley

4. (Resolution 2015-73) Member Charitable Giving - Operation Round Up - E Dauterive and T Golden

VP of Member Services Eddie Dauterive reviewed the proposed resolution for Member Charitable Giving - Operation Round Up as included in the Board package. Director Emily Pataki moved to consider a resolution for an opt-in version of the Operation Round Up. Director Cristi Clement seconded the motion. Following discussion, the Board voted 5-1-1 to approve the resolution with Director Scanlon opposed and Director Clement abstaining. CEO John Hewa

stated that January would be the earliest time frame that this could be launched with the upcoming NISC go-live.

RESULT:	ADOPTED [5 TO 1]
MOVER:	Emily Pataki, District 2 Director
SECONDER:	Cristi Clement, District 1 Director
AYES:	Pataki, Perry, Graf, SJ Akers, Oakley
NAYS:	Kathryn Scanlon
ABSTAIN:	Cristi Clement

8. Announcements

There were no announcements.

9. Future Items for Board Consideration

A. Board Meeting Planning Calendar

President James Oakley stated that the agenda items were not limited to those on the planning calendar.

10. Member Comments at Noon (3 minute limitation)

President James Oakley reviewed the language included on the member comments sign-in sheet. In response to a director inquiry, President Oakley stated that this form was recently modified to reflect the Decorum Policy and practice. Outside General Counsel Don Richards stated that the members have a right to attend the meeting, but speaking at a meeting was at the discretion of the Board.

Ernest Altgelt - the new sign-up sheet, member comments at Annual Meeting, and attendance before Judge Stubbs in Burnet County.

Following a deviation from the decorum and a disturbance in the meeting, member Ernest Altgelt was removed from the meeting room by Chief Randy Holland.

Mayor Dickie Allen - the closing of the Bertram office.

Following discussion on applicability of the comment, CEO John Hewa stated that the Board had been looking at our costs and facilities, asked that his contact information be shared, and offered to meet with the members from the Bertram area.

Elton Heine - the impact from closing the Bertram office, and request for meeting in Bertram.

Sharon Schwartz - the closing of the Bertram office, and request for meeting.

Richard Golladay - Integrated Resource Plan, and request to consider pursuing member-owned solar in the PEC area or third party owned solar.

Larry Landaker - solar on-bill financing, time of use rate, and support to allow CEO and staff do their job.

President James Oakley stated that members could share their comments with the Board at any time and they were not limited sharing comments during the three-minute limitation at each Board meeting. He added that the directors' e-mail addresses were available on the PEC website. CEO John Hewa thanked the members for their comments and looked forward to meeting with Bertram members. At 12:30 pm President James Oakley announced a break for lunch and the meeting reconvened at 1:10 pm.

11. CEO - Action Items/Other Items - continued

1. Integrated Resource Plan Discussion - I Sterzing

VP of Power Supply and Energy Services Ingmar Sterzing and Mathew Lind of Burns and McDonnell reviewed the Integrated Resource Plan PowerPoint presentation including recommendations, as included in the Board package. Mr. Sterzing stated that Burns and McDonnell would be using today's feedback to help finalize a written report that would be delivered in the future. Director Chris Perry joined at 1:16 pm. Mr. Lind and Mr. Sterzing answered questions on items including but not limited to: scenarios, results, market drivers, market forecasts, customer choice, and renewable tax credits. CEO John Hewa stated that the intent was to put this presentation before the membership to allow for a comment period and possibly incorporate other market or LCRA information acquired during that time frame.

12. Proposed Future Meetings (subject to final posting)

- A. September Special Meeting - 9:00 am on Monday, September 14, 2015 at the PEC Headquarters.
- B. September Regular Meeting - 9:00 am on Monday, September 21, 2015 at the PEC Headquarters.
- C. October Special Meeting - 9:00 am on Monday, October 12, 2015 at the PEC Headquarters.
- D. October Regular Meeting - 9:00 am on Tuesday, October 20, 2015 at the PEC Headquarters.

Following a review of the listed meeting dates, President James Oakley stated the Board would target 9:00 am on Friday, November 13 for the November Regular Meeting and 9:00 am on December 15 for a single meeting in December. President James Oakley provided an overview of the types of items to be discussed in Executive Session and the reasons those items must be discussed in Executive Session. At 2:45 pm the Board went into Executive Session.

13. Executive Session

A. Legal Matters

- 1. Update on Litigation and Other Legal Matters
- 2. Matters in Which the Board Seeks the Advice of Its Attorney as Privileged Communications in the Rendition of Professional Legal Services
- 3. Whistleblower Administrator Update

4. (Resolution (ID# 3197)) Ethics and Compliance Reporting Policy - D Ballard

B. Personnel Matters

1. Personnel Matters Update

C. Security Matters

1. Safety and Security Matters

14. Reconvene to Regular Meeting 4:40 pm

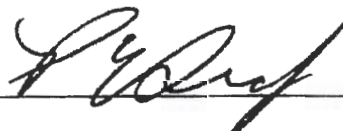
15. Items from Executive Session

- A. (Resolution 2015-74) Ethics and Compliance Reporting Policy - D Ballard
VP of Legal Services Don Ballard reported on the additional change in paragraph seven.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Emily Pataki, District 2 Director
SECONDER:	Paul Graf, District 6 Director
AYES:	Clement, Pataki, Scanlon, Graf, SJ Akers, Oakley
ABSENT:	Chris Perry

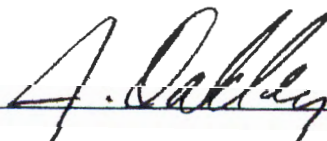
16. Adjourn

There being no further business to come before the Board of Directors, meeting was adjourned at 4:40 pm.



Paul Graf, Secretary

APPROVED:



James Oakley, President