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Ruben Castillo checked out one of the books his son, Sean, picked Tuesday morning in the Oak Grove library during the annual Donuts for Dad event, coinciding with the book fair.

Court to decide fate of lawsuit against WTMPA

A Texas appeals court in Amarillo will decide whether Republic Power Partners, LP, can proceed with its lawsuit seeking to hold the West Texas Municipal Power Agency (WTMPA) and the city of Lubbock liable for breach of contract after a multi-million-dollar development project to bring new sources of electric generation to West Texas fell apart last year.

Last month, visiting senior district Judge Paul Davis of Austin granted the city of Lubbock's motion to dismiss the case, arguing that the lawsuit was barred by sovereign government immunity.

Brownfield City Manager Eldon Jobe said he thinks the ruling enforces his belief that Republic Power's suit is without merit.

"The attorneys are all still working on the legal side and that could take a long time," he said. "But it doesn't worry me. I have thought since they sent their first letter of demand, that they do not have a valid suit against us."

WTMPA is a municipal corporation, of which the member cities pay dues to participate, thus maintaining separation of the liabilities of all involved.

However, even though Lubbock was dismissed in last month's ruling, the judge denied a similar motion by the WTMPA, allowing the \$8.9 million breach of contract lawsuit against the power authority

to go forward.

Republic Power is demanding payment for actual damages in the case that will now proceed to the Seventh Court of Appeals in Amarillo, with a ruling expected in six to 12 months.

Republic Power filed suit on Feb. 28 claiming the WTMPA and the city of Lubbock, through their actions, were in breach of contract in the multi-million-dollar development project that would have provided a reliable, low-cost portfolio of wind, natural gas, solar and biomass electric generation to the WTMPA and its member cities of Brownfield, Floydada, Lubbock and Tulia.

The WTMPA formed the High Plains Diversified Energy Corporation to develop a new source of electric power generation to replace the current wholesale power contract with Xcel Energy, which expires in 2019.

HPDEC was later dissolved after a judge ruled it did not have the authority to perform the tasks it was designed to do.

HPDEC was working with Republic Power in an unprecedented public/private venture to generate and sell power with profits to be returned to investors and the participating WTMPA member cities.

See LAWSUIT...Page 4

Tropical storm brings rain to area

The remnants of Tropical Storm Miriam brought much welcomed rainfall totals into the West Texas and southeastern New Mexico region this past weekend, where precipitation totals ranged widely, from 0.55 inches locally to 5.72 inches in rural Glasscock County.

According to figures from the Texas Tech Mesonet, Brownfield officially received 0.55 inches of precipitation from the system, which made its way through the region Thursday and exited early Sunday.

Many area football teams, including the Brownfield Cubs, played in wet conditions Friday night.

The Cubs game maintained a constant drizzle, while teams in other locales reportedly played in downpours.

The highest rainfall totals were recorded south of Terry County in the Permian Basin with the Midland/Odessa area deluged over the weekend.

"We have had record amounts of rainfall across west Texas and southeast New Mexico over the past three days," said a news release issued by the National Weather Service's Midland regional office via their website on Sunday. "With 5.24 inches of rain since Thursday, Midland has almost eclipsed the precipitation total of 5.49 inches received there in all of 2011."

The rainiest day of the weekend came on Friday, which according to the Midland NWS, brought the third highest rainfall amount in a single day in Midland's recorded history, with 4.66 inches of precipitation recorded.

The storms that ran through West Texas last week not only set records but also gave this region exactly what it needed -- a long, soaking rain.

The drizzle that dampened Cub field and the area amounted to just over two-tenths of an inch on Friday.

Slightly heavier rains through the early morning hours totaled .34 inches Saturday.

This past weekend's visit by Tropical Storm Miriam, which made its way into the region through the southwest via the Mexican west coast, helped the Brownfield area finish the month of September with 1.58 inches of precipitation.

Year-to-date, the City of Brownfield has received 9.78 inches of precipitation as of presstime Wednesday.

That amount is below average for the area nine months into the year, however it is already more than twice the amount received in all of 2011, which saw just 4.15 inches in what became the driest year on record.

The Keetch-Byram Drought Index, monitored by Texas A&M University's AgriLife Extension Service, showed Terry County had an average score of 532 on the monitor's 0-to-800 point scale, with 800 being "complete dry" conditions.

The average is derived from the scores at different points from within the county.

On Monday, Terry County's average score was 473, with portions of the county scoring as high as 628 and as low as 363.

Miriam's visit to the Permian basin also forced many roadway and intersection closures in the

Midland community on Friday, while Midland firefighters rescued more than a dozen stranded motorists.

Midland experienced sporadic numbers of power outages, while Odessa took the brunt of power loss.

A feeder pole caught fire in Odessa early Friday morning, knocking out power to about 17,000 customers.

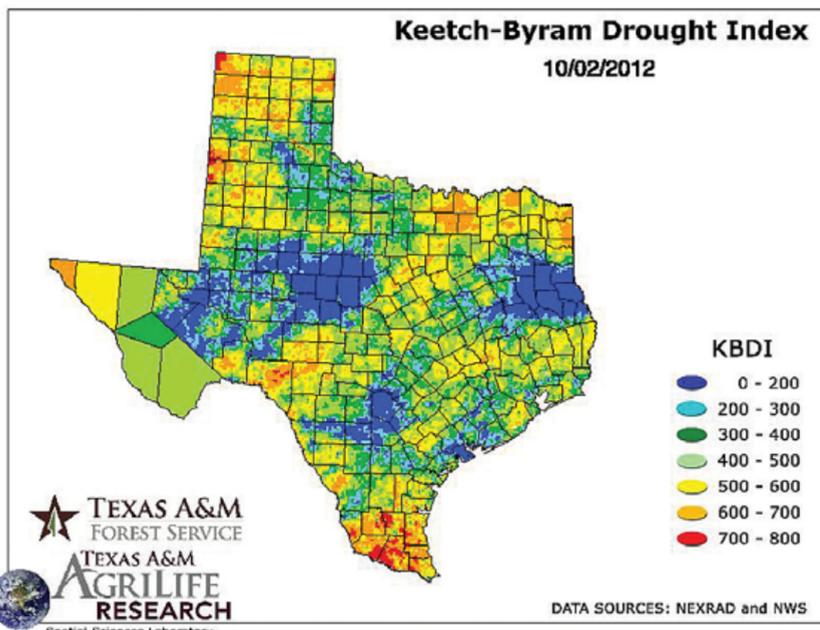
There were no weather-related problems in Brownfield or Terry County, according to local officials.

Autumn will be in full swing later this week as a cold front is forecast to blow forcibly into the area late Wednesday, dropping temperatures substantially by the weekend.

Guests at Friday night's Jody Nix concert in Coleman Park likely will need coats and blankets with temperatures expected to drop into the low 40s that night.

The Harvest Festival Parade, set to take the traditional route through Brownfield beginning at 10 a.m. Saturday and festivities continuing in the park for the remainder of the day, will be a chilly affair with the high temperature forecast at just 50 degrees Saturday.

Rain chances are at or below 20 percent in several weather models as of press time Tuesday.



BIDCorp outlines goals for 2012-2013

The Brownfield Industrial Development Corporation's Program of Work for 2012-13 focuses on three main areas to promote local business.

The Program of Work, which BIDCorp.'s board of directors approved Monday afternoon but will still require final approval from City Council, is divided into three Areas of Development - Business Recruitment, Business Retention and Expansion and Marketing and Development.

Previous versions of the program consisted of about 23 items, which Director of Economic Development David Partlow consolidated into one program.

According to the updated version, the area Business Recruitment aims to "create a favorable business climate that fosters economic wealth for the community through targeted business attraction and promotional activities."

Specific examples might include attracting new businesses to the Industrial Park, recruiting oilfield service to town and expanding the grape and wine industry. Meeting those goals will require developing a specific targeted industry list of businesses, developing incentive programs and promoting the Industrial Park, among other methods.

Business Retention and Expansion, the second Area of Development, deals with meeting the needs of already-established companies, including those in agriculture, railroad and cor-

rectional facilities and other local branches of government agencies. Partlow plans to proceed with BIDCorp.'s Business Retention and Expansion Program and to develop incentive programs for existing businesses, as well as an Industrial Recognition Program and business counseling.

The goal for Marketing and Development, the third area, is described as establishing "A marketing program for business recruitment and business retention using a variety of marketing tools, (including) print advertising, broadcast advertising, web site development, direct mail and tradeshow efforts. Specific action steps include developing a web site and keeping it updated with the community's demographic data and building and land inventory; holding workshops, forums and other events with local and state economic-development groups and maintaining relationships with politicians and the general public to keep them informed of BIDCorp.'s activities.

Partlow also announced during the board meeting Monday that BIDCorp.'s reserve fund was about \$1.98 million as of their most recent bank statement Aug. 31, and had garnered \$3,254 in interest. Sales tax revenue was \$43,589 for August and for the year was about \$32,000 more than the previous year.

All BIDCorp. board members were present, to include Jay Youngblood, Randy Anthony, Rickey Dunn and Mike Swaringen.

See the Brownfield News' HARVEST FESTIVAL SECTION in this issue.

Wed 10/3	Thu 10/4	Fri 10/5	Sat 10/6	Sun 10/7



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