

New Mexico Renewable Energy Transmission Authority

**Minutes of Board Meeting
September 5, 2019
1:00 p.m.**

**NM State Capitol – Room 317
490 Old Santa Fe Trail
Santa Fe, New Mexico, 87501**

Present

Robert (Bob) Busch, Chairman
Dr. James Miller, Member
Brian Moore, Member
Megan O'Reilly, Member
Noah Long, Member
Louise Martinez, Designee for EMNRD Cabinet Secretary

Absent

Yovanne Lucero, Designee for Tim Eichenberg

RETA Staff

Fernando Martinez, RETA Executive Director
Lynn Mostoller and Mariposa Padilla-Sivage – General Counsel, Sutin Thayer & Browne
Ginny Selvin – RETA Manager of Finance
Gloria Castillo – RETA Administrative Assistant

1. Call to Order and Roll Call

Chairman Busch called the meeting to order at 1:00 p.m. A quorum was present for the meeting.

Chairman Busch welcomed new Board Member Megan O'Reilly, who replaces former member Jonathan Elms. Chairman Busch thanked Jonathan Elms for his dedication and service.

2. Approval of Agenda

Member Moore made a motion to accept the agenda as presented. Member Long seconded the motion. There being no further discussion, Chairman Busch called for a vote and it passed unanimously.

3. Approval of June 13, 2019 Board Meeting Minutes

Member Miller made a motion to accept the June 13, 2019 Board Minutes as presented. Member Moore seconded the motion. There being no additional discussion, corrections, additions or updates to the minutes, Chairman Busch called for a vote and it passed unanimously.

4. Report of the Chairman

Chairman Busch reported on the following:

- RETA is working with Pattern Energy and PNM on the PRC approval of PNM's acquisition of the Western Spirit Transmission Project.
- He provided written rebuttal testimony for PNM's filings and appeared at the PRC hearing, in conjunction with PNM's witnesses, to be subject to cross examination by the other parties and the hearing examiner. At the hearing, Chairman Busch explained RETA's role in the development of Western Spirit Transmission lines and how RETA is the owner of such lines. Ms. Mostoller explained the procedure involved and noted that the Hearing Examiner will issue a recommended decision in the next few weeks and the parties will have an opportunity to file exceptions to the recommended decision. Once that process is completed, the matter will be placed on a PRC open meeting, where we hope to receive a favorable decision on the acquisition.
- RETA has received several notices from several bidders who are interested in submitting a proposal for the Transmission Storage and Study RFP. Proposals are due mid-September. The Evaluation Committee, which consists of Member Miller, Member Martinez and the Chairman, will look through the submittals, select finalists to give oral presentations to the Evaluation Committee and then select a winning bidder. In addition, the Advisory Committee has been selected, and will begin meeting soon after the contractor is selected. Chairman Busch noted that pages 20-23 of the RFP explains the detailed Scope of Work and are the most important pages of the RFP. A copy of the RFP can be found on RETA's website.
- Chairman Busch introduced and welcomed RETA's new Executive Director, Fernando Martinez, Jr.

5. Review and Consider Approval of 2019 Open Meetings Resolution

Ms. Mostoller noted that the content of the 2019 Open Meetings Resolution remains the same as last year's, except for the Resolution No. that changes to 2019-02 and the approval date of September 5, 2019.

Member Long made a motion to approve the 2019 Open Meetings Resolution as presented. Member O'Reilly seconded the motion. There being no further discussion, Chairman Busch called for a vote and it passed unanimously

6. Review and Consider Approval of Draft Financial Statement for the Year Ending June 30, 2019

Ms. Selvin presented the financial statements for the period ending June 30, 2019.

Member Moore made a motion to approve the financial statements for the period ending June 30, 2019. Member Miller seconded the motion. There being no further discussion, Chairman Busch called for a vote and it passed unanimously.

7. Review and Consider Approval of Amendments to the Build Transfer Agreement (BTA)

Ms. Mostoller explained that the amendment to the BTA is to extend the deadline date for the EPC Contractors to apply for a Private Letter Ruling from NMTRD by 180 days. This extension was needed because the process for selecting an EPC Contractor is ongoing and the deadline in the original BTA was too soon for timely submission of the application. Member Miller noted that the execution date of the First Amendment would have to be in September because of the timing of this meeting.

Member Long made a motion to approve the Amendments to the Build Transfer Agreement with the dates adjusted in order to accurately reflect RETA's approval date. Member O'Reilly seconded the motion. There being no further discussion, Chairman Busch called for a vote and it passed unanimously.

8. FY 2019 Audit

Member Moore informed the Board that the Loftis Group, RETA's Auditor, met with Audit Committee to review the FY2019 RETA Audit. Because of the audit rules, however, he is unable to discuss the audit with the Board until after the FY2019 Audit is approved by the State Auditor.

9. Update on the Western Spirit

Mr. Rentz reported on several recent Open Houses held by Western Spirit. Mr. Rentz also reported on progress on permitting, survey permission, and land acquisition. Chairman Busch asked if he had encountered any problems with the landowners. Mr. Rentz replied that some people agreed with the project, while others did not. Chairman Busch indicated that several landowners provided comments at the PRC hearing he had attended, but were not witnesses. Member Long asked about possible route changes. Mr. Rentz responded that several micro-siting route changes might be a possibility.

10. Public Comments

Romy Baca, resident of Bosque Farms, informed the Board that she represents several people within the area of Bosque Farms who have signed a petition against the Western Spirit Project crossing properties, which include farmlands and dairy lands. She expressed concern with the property values affected by placement of these lines.

Vicky Hudson, resident of Bosque Farms, expressed concern with property values, health issues, risk to farm equipment, and the proximity of the line to an airstrip. She requested that the transmission lines not go through Bosque Farms.

Bernadette Baca, resident of Bosque Farms, expressed concern with the property values and the danger for migrant birds. She suggested that the lines be moved to another area.

Stephanie McCleary, resident of Bosque Farms, expressed concern with the transmission lines being placed too close to her property line.

Martha Salas, Chairman of the Socorro Commission, expressed concern with certain tactics being used and with eminent domain issues.

11. Closed Session

Chairman Busch called for a motion to go into closed session for confidential discussion of real estate acquisition status for Western Spirit Project, *see* NMSA 1978, § 10-15-1(H)(7) (meeting subject to attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant); § 10-15-1(H)(8) (meeting for the discussion of the purchase, acquisition or disposal of real property or water rights by the public body); § 62-16A-16 (protecting the proprietary technical or business information obtained by the authority as confidential); *see also* NMAC § 17.8.2.9.

Member Moore made a motion to go into closed session. Member Long seconded the motion. There being no further discussion or comments, Chairman Busch called for a vote and it passed unanimously.

Chairman Busch announced that the Board would now go into closed session.

Chairman Busch called for a motion for the RETA Board to come out of closed session. Member Long made a motion for the Board to come out of closed session. Member O'Reilly seconded the motion. There being no further discussion, Chairman Busch called for a vote and it passed unanimously.

The Board returned to its regular meeting at 3:20 p.m. Chairman Busch announced that the only matter discussed in closed session was the item on the agenda set forth above and that no action or vote was taken.

12. Next Meeting

Chairman Busch suggested that a tentative date of Thursday, October 10, 2019 at 1:00 p.m. be set for a regular RETA Board of Directors meeting.

13. Adjournment

Chairman Busch called for a motion to adjourn the Board meeting.

Member Moore made a motion to adjourn. Member Long seconded the motion. The Board voted unanimously to adjourn.

The RETA Board meeting adjourned at 3:30 p.m.