

NMPRC NOMINATING COMMITTEE
Monday, August 1, 2022 at 1:00 pm
State Capitol, Room 307

MINUTES OF THE MEETING

I. DESIGNATION OF TEMPORARY CHAIR

Speaker Egolf volunteered to serve as the temporary Chair for this meeting.

II. CALL TO ORDER – TEMPORARY CHAIR

The meeting of the NMPRC Nominating Committee was called to order at 1:07 p.m. with Speaker Egolf presiding as Temporary Chair.

III. ROLL CALL

Roll call indicated the presence of a quorum in person, as follows:

The Honorable Brian Egolf

The Honorable Alonzo Baldonado [arriving later]

The Honorable Ron J. Lovato

Denise Ramonas

Cydney Beadles

Rikki Seguin [arriving later]

William Brancard

IV. APPROVAL OF AGENDA – TEMPORARY CHAIR

Member Ramonas moved, seconded by Member Brancard, to approve the agenda as published. The motion was approved on a unanimous 5-0 consensus vote. Members Seguin and Baldonado were not present for the vote.

V. ELECTION OF COMMITTEE CHAIR AND SECRETARY – TEMPORARY CHAIR (ACTION ITEM)

Member Lovato asked for introductions before proceeding to this election.

Member Seguin arrived at 1:09 p.m.

VI. INTRODUCTION OF COMMITTEE MEMBERS – COMMITTEE CHAIR

All Committee members introduced themselves to those present at the meeting. A summary of their background is included on the website.

ELECTION OF COMMITTEE CHAIR AND SECRETARY (continued)

Member Ramonas said Representative Baldonado told her earlier that if no one else wanted to be the Chair, he would accept it.

Chair Egolf said he would serve as Chair if the Committee wanted.

Mr. Propst explained the Staff of PRC will work with the Chair and help other committee members. They will help prepare agendas with assistance of the Chair and the Chair would be a natural fit to also be the media contact.

Member Seguin supported Chair Egolf as Chair and understood Mr. Baldonado probably has experience at it, as well.

Member Baldonado arrived at 1:17 p.m.

Member Baldonado said he was willing to serve as Secretary.

Chair Egolf nominated Mr. Baldonado to serve as Secretary.

There were no other nominations.

Member Brancard moved, seconded by Member Seguin, to elect Mr. Egolf as Chair and Member Baldonado as Secretary. The motion was approved by unanimous acclamation without opposition.

VII. CONSIDERATION AND APPROVAL OF DRAFT 2022 MEETING SCHEDULE – COMMITTEE CHAIR (POTENTIAL ACTION ITEM)

The Committee reviewed the proposed printed meeting schedule with meeting dates:

- August 15 to consider the job description and options for recruiting applicants [changed to August 11 and added OMA training].
- August 29 – public input day
- September 12 as an educational session regarding Inspection of Public Records Act, Financial Disclosure Requirements, Public

Utility Commission Best Practices, and how to solicit and receive public input,

- September 29 – held as a tentative meeting date.
- October 3 to review applications,
- October 17th to review and pick from applicants those to be interviewed, [changed to October 18]
- November 7, 8 for candidate interviews,
- November 21 for final interviews and selection of names to submit to the Governor. [changed to November 14]

Chair Egolf agreed to discuss the schedule again at the next meeting.

Recruitment parameters

Member Brancard asked about a deadline for receiving applications.

Mr. Propst asked if the Committee wanted to advertise nationally. There were several questions to consider.

Chair Egolf suggested September 30 for applications deadline to be able to review them on October 3. He asked if the proposed draft announcement and draft job description ready by the next meeting. It could then be approved and send the announcement out immediately.

Member Seguin requested considering a meeting on August 30th.

Member Baldonado asked if the meeting time could be moved to the morning.

Chair Egolf agreed to start all meetings start at 9 am. And consider a meeting on August 29 to have presentations from individuals, organizations, and regulated entities pm what characteristics they want in the commissioners. The Committee should get input on what is wanted before considering applications. And potential applicants might benefit from heraing that input

Mr. Propst recapped the tentative calendar.

Advertising Locations

Chair Egolf asked how the PRC processes expense payments.

Mr. Propst said the Committee would decide how to advertise and PRC ASD Staff will do it. He would like to advertise at NARUC.

Member Ramonas recalled the statute said the list of candidates submitted to the Governor “shall be from at least three different counties” and wondered if that limited the Commission to recruit only from New Mexico or what that language meant.

Mr. Propst threw it back to the lawyers. It was a good question for the Committee to think through.

Chair Egolf agreed. The Committee might not want to limit recruitment that way. If a candidate was not living here, he or she could move to the state.

Salary Considerations

Member Seguin wondered if the draft application should have a salary range with guidance from the Statute. Applicants would be interested to know.

Mr. Propst agreed to reach out to the Legislative Council Service on those questions. It is essential to make the salary sufficient to attract good candidates and not be restricted to the \$90,000 salary cap. His sources told him the Governor would set the salary. It may not be possible to have a specific amount but suggested it could say “above \$90,000.”

We may not be able to give a specific dollar amount but can say above 90k.

VIII. DISCUSSION OF POSITION REQUIREMENTS AND RECRUITMENT PROCESS – COMMITTEE CHAIR (DISCUSSION ITEM)

The Committee discussed possible questions to be included in the recruitment process.

Chair Egolf suggested asking what Colorado and Iowa included in their appointment requirements. He suggested asking if they ever appeared on behalf of a client at the PRC or any other interactions they have had with the PRC.

Member Baldonado asked if present Commissioners could apply for a position.

Chair Egolf agreed they could.

Mr. Propst suggested starting with the statute for minimum qualifications and then add the aspirational factors the Committee would like to see included.

Chair Egolf suggested for those with professional license if they have ever been disciplined. It would be helpful for HR to determine how that could be done. For the finalists before their interview, a background check might be done.

Mr. Propst thought applications going to the Governor would have to go through a background check.

Member Beadles pointed out there were many options between background check and no background check.

Mr. Propst said the Committee can decide when you want that draft questionnaire ready.

Member Seguin brought up the question when to make applicants known to the public and letting them know when that would be done.

Mr. Propst said it would be according to the Public Records Act or whether the Committee chose to invoke the personnel exception of the Open Meetings Act. When their name appears on an agenda, it would be public.

Chair Egolf recalled that was an issue for applications for school board members or with superintendents of school districts.

Mr. Propst agreed to research that to determine when it is not public knowledge until a certain point in the process. The HR staff at the PRC already deal with this process. The applications could be sent to the HR Director first. And then copies be sent to Committee members.

Member Ramonas described software that could be used in the selection process and asked if the PRC uses such software in hiring staff.

Chair Egolf mentioned the SHARE program the Legislature uses to access the data.

Mr. Propst said he could look at the SHARE software as a common place committee members could use.

Member Seguin said they need a place where potential applicants could go for further information. She thought maybe PRC HR Staff could be the place. She asked how a candidate could get their questions answered.

Chair Egolf did not know if they could go directly to the PRC, but he could pose that to the Commission.

Mr. Propst agreed that would be good.

Member Lovato was concerned about having too many applicants.

Chair Egolf, on the salary question. Wondered if we could immediately make a phone call or send a letter to the Governor urging her to adopt a salary for the position now.

Member Lovato and Member Ramonas agreed to send a letter.

Chair Egolf said he would craft a letter to the Governor.

IX. REVIEW OF COMMITTEE DESIGNATED EMAIL, ADDRESSES AND WEBSITE – NMPRC INFORMATION TECHNOLOGY OFFICE (INFORMATIONAL ITEM)

Mr. Propst reported the PRC email addresses for each Member of the Committee were up and functioning on the PRC website and did not put their phone numbers on it. He welcomed any feedback on the addresses or the webpage. He considered them to be subject to IPRA. It is possible that could develop into a fuller discussion on legal questions. PRC Staff could provide general information through the Office of General Counsel (OGC) like on the Open Meetings Act (OMA), but not on specific legal questions. If Members have specific IPRA questions, he urged them to reach out to PRC's Legal Division.

Chair Egolf urged the committee members to use committee email addresses and send no personal email. It is lots easier for the records custodian and easier to say no to material on personal email addresses. He assumed any of it is available for inspection.

He also cautioned not to discuss anything outside of the meetings. The Committee should not deliberate except in open meetings. He briefly explained the ex parte problem and rolling quorum prohibition. Any decision that violates the OMA can be reversed and penalties assessed. So, we must make sure the Committee doesn't violate it by saving the conversations for these open meetings.

The Committee discussed rolling quorums further.

Member Brancard, following up on Mr. Propst's suggestion, asked if the Committee wanted separate counsel from the AG's Office or use PRC counsel.

Chair Egolf said having a person from the Attorney General's Office at the next meeting would help with that decision. The AG's Office does help with legal counsel for several committees.

Mr. Propst said the OGC can help with general questions, but maybe the Legal Division could help with more specific legal advice. We need more internal discussions on that. By the next meeting, he could make recommendations, but the members should think about it too. The PRC Staff will provide administrative support and help as much as possible, but the Committee also may need legal advice. He reminded the members that this is a Standing Committee which will continue after these nominations.

Chair Egolf said he already received a couple of emails for who would be a good commissioner and his response to them was noncommittal. The Committee needs to decide how to handle that now.

Member Seguin also received a few emails and asked if the Committee was saying it was okay to have conversations with people. She clarified she was not representing Interwest and asked that professional association be removed from the web site. She will not have conversations about specific cases before the PRC.

X. COMMITTEE REQUESTS AND OTHER MATTERS – COMMITTEE CHAIR

Member Beadles thanked Mr. Propst for his help with meeting schedule and website which are tremendously helpful in getting us started. She applauded the present Commissioners' intent to leave the agency in best shape for the appointed Commissioners on January 1, 2023.

Mr. Propst reminded members of the sign-in sheet for travel reimbursement procedures.

XI. PUBLIC COMMENT

Jim DesJardins, CEO of Renewable Energy Industries Association of New Mexico, said they are advising the PRC and Legislature about renewable energy issues in New Mexico. He pointed out the resources for renewable energy and mentioned the challenges being faced, including the 2008 Interconnection PRC rule and the Community Solar rulemaking which has been appealed to the Supreme Court. "We are hoping for a reliable and ample resilient grid and best possible Commissioners' skill with ability to looking to the future without any vested interest. Thank you and Godspeed."

Jim Schichtl, EPE Vice President for Regulatory Matters, has appeared before the Commission for the past ten years and EPE has a vested interest in who becomes a Commissioner. EPE has about 500,000 customers in New Mexico and Texas. EPE is in somewhat of a unique location, being interconnected with SPP.

This year, EPE has already set a peak demand record. There are many new renewable resources in southern New Mexico with not as much wind but good solar. EPE is interested in the New Mexico energy standards not only for EPE to meet the New Mexico requirements but the companywide renewable percentage of 100% by 2045. The PRC is incredibly important in EPE's success, and we look forward to participating as we are able.

Ms. Brooke Tremell spoke on behalf of SPS with about 400,000 New Mexico customers. She thanked the Committee members for their time committed to this Committee. She hoped the candidates will be good ones.

There were no other public comments.

XII. ADJOURNMENT

Having completed the agenda and with no further business to consider, the meeting was adjourned at 2:43 p.m.