



**MINUTES OF THE SPECIAL JOINT MEETING OF THE RATON CITY
COMMISSION AND RATON PUBLIC SERVICE HELD ON TUESDAY,
FEBRUARY 12, 2019 AT 5 PM**

I. CALL TO ORDER:

Mayor Segotta called the special joint meeting of the Raton City Commission and Raton Public Service Board to order at 5:00 p.m.

II. ROLL CALL/ATTENDANCE:

Answering roll call was: Mayor James Neil Segotta, Jr./RPS Board Member, Mayor Pro-tem Linde' Schuster, Commissioners: Lori Chatterley, Ron Chavez and Don Giacomo/RPS Board Member. Raton Public Service Board Members: Kathy McQueary, Frank Ferri and David Swanson. Also present were City Manager Scott Berry, Clerk/Treasurer Michael Anne Antonucci, RPS General Manager Sandy Chavez, RPS Business Manager Jessica Gonzales and 1 visitor. Attorneys Nann Winter and Juan Flores were also present via telephone.

III. CLOSED EXECUTIVE SESSION PURSUANT TO:

- **NMSA 10-15-1H(7): Threatened Litigation – Twin Eagle Resource Management LLC and City of Raton/Raton Public Service.**

A motion was made by Kathy McQueary to go into Closed Executive Session Pursuant to NMSA 10-15-1H(7): Threatened Litigation- Twin Eagle Resource Management LLC and City of Raton/Raton Public Service. The motion was seconded by Mayor Pro-tem Schuster and carried with all voting "aye".

IV. CERTIFICATION OF CLOSED SESSION (NMSA 10-15-1J)

The meeting returned to open session at 5:39 p.m. Clerk/Treasurer Antonucci stated that the minutes shall state that the matters discussed in closed session were limited only to those specified in the motion to go into closed session and also as advertised and that no action was taken. She then asked the Commission and RPS Board Members to approve the statement by signifying a yes or no vote. All Commissioners and RPS Board members agreed to the statement by signifying "yes".

**V. DELIBERATE AND ACT ON CONSENT AND ASSIGNMENT
AGREEMENT BETWEEN THE CITY OF RATON AND GUZMAN
ENERGY, LLC**

City Manager Berry gave a brief recap of the agreement that would transfer assignment of the Power Sales Agreement to Guzman Energy, LLC which means that Guzman will purchase power from Twin Eagle Resource Management, LLC and RPS would then purchase power from Guzman. City Manager Berry recommended going forward with the approval. RPS President Kathy McQueary stated she was also present to answer questions. Attorneys Nann Winter and Juan

**MINUTES OF THE SPECIAL JOINT MEETING OF THE RATON CITY
COMMISSION AND RATON PUBLIC SERVICE HELD ON TUESDAY,
FEBRUARY 12, 2019 (Cont.)**

Flores were also present via telephone. There was no further discussion. A motion was made by Commissioner Chavez to approve the request for the Consent and Assignment to Guzman Energy retroactive to February 8, 2019. The motion was seconded by Commissioner Giacomo and carried with a unanimous roll call vote of "yes" by each Commissioner and RPS Board Member.

VI. DELIBERATE AND ACT ON CITY OF RATON CONSENT AND ASSIGNMENT OF THE AGREEMENT BETWEEN TWIN EAGLE RESOURCE MANAGEMENT, LLC AND XCEL ENERGY

City Manager Berry recommended postponing the item for consideration until the next meeting on February 26, 2019 and to direct the attorneys to communicate with Twin Eagle Resource Management, LLC and for the Raton City Commission to ask the permission of the RPS Board to take appropriate action to either prosecute or defend any lawsuit.

A motion was made by RPS President Kathy McQueary to approve postponing the item for consideration until February 26, 2019 and to give the City of Raton permission to direct the attorneys to take appropriate action to either prosecute or defend any lawsuit. The motion was seconded by Frank Ferri and a roll call vote was taken: Kathy McQueary – "yes", Frank Ferri – "yes", David Swanson – "yes", James Neil Segotta, Jr. – "yes", Don Giacomo – "yes". The motion carried.

A motion was made by Mayor Pro-tem Schuster to postpone consideration of City of Raton Consent and Assignment of the Agreement Between Twin Eagle Resource Management, LLC and Xcel Energy until the February 26, 2019 meeting and to direct the attorneys to communicate with Twin Eagle and to take appropriate action to either prosecute or defend any lawsuit. The motion was seconded by Commissioner Giacomo and a roll call vote was taken: Mayor Pro-tem Schuster – "yes", Commissioner Giacomo – "yes", Commissioner Chatterley – "yes", Commissioner Chavez – "yes" and Mayor Segotta – "yes". The motion carried.

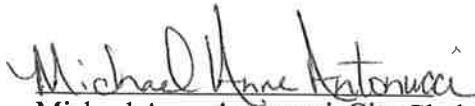
VII. ADJOURNMENT:

The meeting adjourned at 5:48 p.m.

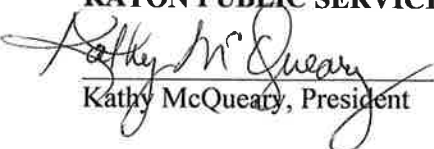
ATTEST:

CITY OF RATON


James Neil Segotta Jr.,


Michael Anne Antonucci, City Clerk

RATON PUBLIC SERVICE


Kathy McQueary, President