



BOARD OF TRUSTEES POLICIES

subject: Tribal Easements			Policy No.: 146
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PURPOSE

This policy outlines the roles, responsibilities, guiding principles, and timelines for negotiating and managing Tribal easements.

ACCOUNTABILITY

All JMEC Board Members and applicable staff


SCOPE

This policy covers all JMEC tribal easements.

POLICY

Guiding Principals

1. No JMEC Board or staff member, including the General Manager and Tribal Liaison, is authorized to enter into a tribal easement or like type contractual arrangement with a Tribal entity or Tribal representative or agent without the prior approval of at least 75% of the members of Board, subject to the approval of the Bureau of Indian Affairs (BIA) pursuant to federal law, and only after JMEC has received all appropriate regulatory approvals from the New Mexico Regulatory Commission (NMPRC) for the recovery through rates of any such easement costs.
2. JMEC'S General Manager, in conjunction with JMEC'S Tribal Liaison is responsible for notifying the Board at least 18 months prior to the expiration date of any Tribal Easement to advise the Board on action to be taken by JMEC.
3. JMEC's tribal easement agreements will provide that JMEC will only compensate Tribal entities for transmission lines, not distribution lines, consistent with NMPRC prior precedent, unless an exception is granted by approval of at least 75% of the Board.
4. An independent third party must be contracted to conduct a land appraisal for purposes of aiding the easement negotiations.
5. The term of any easement agreement should be no less than 25 years and no greater than 50 years, unless otherwise agreed with the tribal entity.
6. A District Trustee for any district impacted by on-going tribal negotiations is responsible for holding a town-hall or similar meeting with the JMEC members from their district to discuss the impact the easement, including potential rate adjustments.
7. JMEC shall not prepay for any tribal easements prior to receiving the approvals noted in #1 above. Tribal easement payments will not be made until the appropriate and approved rate mechanism goes into effect to collect the easement amounts and sufficient revenues are collected from the applicable JMEC members to make payment. However, in the case of an emergency the JMEC Board may approve a temporary payment to the Tribe if required under the terms negotiated for the easement and approved by 75 % of the members of the Board.

	Chairman of the Board	Date: <u>6-27-14</u>
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