



TORRANCE **C**OUNTY
COMMISSION MEETING
FEBRUARY 25, 2019
9:00 A.M.

FOR PUBLIC VIEW, DO NOT REMOVE



*Agenda Item
No. 4-A*

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TORRANCE COUNTY
BOARD OF COUNTY COMMISSONERS
RESOLUTION NO. R 2019-14

DECLARING TORRANCE COUNTY TO BE A SECOND AMENDMENT SANCTUARY COUNTY

WHEREAS, NMSA 1978, Section 4-37-1 (1995) provides that Counties have the power to, “provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of any county or its inhabitants”; and,

WHEREAS, NMSA, 1978, Section 4-38-18 (1976) provides that a Board of County Commissioner has the duty and authority “[t]o represent the county and have the care of the county property and the management of the interest of the county in all cases where no other provision is made by law; and,

WHEREAS, firearms training, shooting sports, hunting, and self-protection through the use of firearms is a traditional and necessary part of life in Torrance county; and,

WHEREAS, the Second Amendment to the United States Constitution, adopted in 1791 as part of the Bill of Rights, protects the inalienable and individual right of the people to keep and bear arms; and,

WHEREAS, the Supreme Court in the District of Columbia v. Heller 554 U.S. 570 (2008), decision affirmed an individual's right to possess firearms, unconnected with service in a militia, for traditionally lawful purposes, such as self-defense within the home; and,

WHEREAS, the Supreme Court in McDonald v. Chicago, 561 U.S. 742 (2010), affirmed that the right of an individual to "keep and bear arms," as protected under the Second Amendment, is incorporated by the Due Process Clause of the Fourteenth Amendment against the states; and,

1 **WHEREAS**, the Supreme Court, in United States v. Miller, 307 U.S. 174 (1939), opined
2 that firearms that are part of ordinary military equipment, or with use that could contribute to the
3 common defense are protected by the Second Amendment; and,

4 **WHEREAS**, Article II, Section 6 of the Constitution of New Mexico provides that “[n]o
5 law shall abridge the right of the citizen to keep and bear arms for security and defense, for
6 lawful hunting and recreational use and for other lawful purposes, but nothing herein shall be
7 held to permit the carrying of concealed weapons. No municipality or county shall regulate, in
8 any way, an incident of the right to keep and bear arms;” and,

9 **WHEREAS**, it is the desire of the Board to declare its support of the Second Amendment
10 to the United States Constitution and the New Mexico Constitution protecting citizens’
11 inalienable and individual right to keep and bear arms; and,

12 **WHEREAS**, the members of this Board took an oath to support and defend the United
13 States Constitution, the Constitution of the State of New Mexico and the laws of the State of
14 New Mexico; and,

15 **WHEREAS**, enforcement of any state law that violates the United States Constitution or
16 the Constitution of the State of State of New Mexico would be a violation of our oath of office;
17 and,

18 **NOW, THEREFORE BE IT RESOLVED** that the Board of County Commissioners of
19 the County of Torrance by the authority granted by the laws of The State of New Mexico and
20 people of Torrance County to stand and defend their rights and liberties, which are guaranteed by
21 the United States and New Mexico Constitutions, do hereby declare the County of Torrance as a
22 Second Amendment Sanctuary County where the rights and privileges guaranteed by the Second
23 Amendment of the United State Constitution are preserved.

1 **BE IT FURTHER RESOLVED** that this Board affirms its support for the duly elected
2 Sheriff of Torrance County, New Mexico in the exercise of their sound discretion and affirms its
3 resolve to support decisions by our Sheriff to not enforce any unconstitutional firearms law
4 against any citizen. This provision shall not be construed to include persons convicted of violent
5 felonies.

6 **BE IT FURTHER RESOLVED** that this Board will not authorize or appropriate
7 government funds, resources, employees, agencies, contractors, buildings, detention centers or
8 offices for the purpose of enforcing law that unconstitutionally infringes on the right of the
9 people to keep and bear arms.

10 **DONE THIS 25th DAY OF FEBRUARY, 2019.**

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13 **APPROVED AS TO FORM ONLY:**

BOARD OF COUNTY COMMISSIONERS

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16 _____
County Attorney Date

Ryan Schwebach, Chair

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Kevin McCall, Member

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Javier Sanchez, Member

21 **ATTEST:**

22 _____
23 Linda Jaramillo, County Clerk

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25 Date: _____



*Agenda Item
No. 5-A*



Torrance County

*P.O. Box 48
205 South Ninth Street
Estancia, New Mexico 87016
505-544-4700*

Ryan Schwebach,
Chair
District 2

Kevin McCall
District 1

Javier Sanchez
District 3

Tracy Sedillo
Treasurer

Linda Jaramillo
Clerk

Jesse Lucero
Assessor

Martin Rivera
Sheriff

Josie Chavez
Probate Judge

Wayne A. Johnson
County Manager

February 25, 2019

Chairperson Theresa Becenti-Aguilar
Vice-Chair Valerie Espinoza
Commissioner Cynthia Hall
Commissioner Jefferson Byrd
Commissioner Stephen Fischmann

Public Regulation Commission
1120 Paseo De Peralta
PERA Building
P.O. Box 1269
Santa Fe, NM 87504

RE: PNM BB2 Transmission Line Case No. 18-00243-UT

We are writing to you in support of Public Service Company of New Mexico's (PNM) application for Commission approvals of the proposed BB2 transmission line, currently pending before you in Case No. 18-00243-UT. We understand this transmission line is necessary to accommodate new renewable generation and for PNM to serve its customers, including Facebook's Las Lunas data center. I hope you will join us in encouraging renewable energy development in New Mexico.

As you may know, the El Cabo Wind project was recently completed in Torrance County. The construction and ongoing operation of the El Cabo project has and will continue to result in millions of dollars of economic benefit for our Community. The El Cabo project generated over 400 jobs during construction, and resulted in 17 new well-paying jobs to operate and maintain the project. Torrance County also benefits from PILOT payments from the project. It is our understanding that the BB2 line would allow PNM to accept more wind generation from Torrance County and other areas on its transmission grid. This line would, therefore, enable additional wind project development and the accompanying economic development in Torrance County.

We hope you will join the Torrance County Commission in supporting this economic development in rural areas. We encourage you to approve PNM's application in the public interest.

Sincerely,

Ryan Schwebach, Chair

Kevin McCall, District 1

Javier Sanchez, District 3