

**MINUTES OF THE SPECIAL MEETING/PUBLIC HEARING  
HELD BY THE BOARD OF COUNTY COMMISSIONERS  
OF SAN MIGUEL COUNTY, NEW MEXICO, ON  
THURSDAY, OCTOBER 11, 2012, BEGINNING AT 9:00 A.M.  
AT THE STUDENT UNION BUILDING, BACA AVENUE, NMHU CAMPUS**

**CALL TO ORDER AND ROLL CALL**

Chairman Nicolas T. Leger called the meeting to order at 9:22 a.m., at the Student Union Building (Stu Clark) on Baca Avenue on the Highlands University campus. Upon a call of the roll by the Clerk, four of the five County Commissioners were present, and a quorum was duly established and noted as follows: Chairman Nicolas T. Leger, Vice Chairman Ron R. Ortega, and Commissioners Marcellino A. Ortiz and Arthur J. Padilla.

(Chairman Leger noted the absence of Commissioner David R. Salazar, and informed all in attendance that Mr. Salazar regretted his absence, but unavoidable personal matters required his presence elsewhere.)

**PLEDGE OF ALLEGIANCE AND SALUTATION TO THE NM FLAG**

Joined by staff and all in attendance, Commissioners pledged allegiance to the U.S. flag and offered their salutation to the NM state flag.

**AGENDA AND INTRODUCTORY REMARKS**

Chairman Leger introduced the one-item Agenda, and announced that the special meeting was called for the purpose of soliciting and gathering public comment concerning the Commission's on-going efforts to adopt an ordinance regulating oil and gas exploration in San Miguel County. Leger emphasized that the Commission has at no time agreed upon any form of ordinance, and that the draft prepared by county staff is nothing more than a working draft, subject to change and revision as later determined by the Commission – that it is not a proposed ordinance, and is simply a beginning draft.

Chairman Leger then noted that the only person in attendance in the meeting hall was Sarah Moore, whereupon the Chairman requested that Planning & Zoning Supervisor Alex Tafoya check the lobby and even outside the building, to determine if other persons may be waiting there. (Tafoya reported that no other persons were in attendance outside the meeting room, and he also reported that the meeting was announced in the Optic on the preceding Friday.)

**AUDIO AND VIDEO RECORDING OF ENTIRE PROCEEDINGS**

In adopting these minutes, the Board of Commissioners makes the following findings concerning the proceedings held during the special meeting and public hearing, for which these minutes constitute the official public record:

1. The entire meeting/public hearing was captured contemporaneously by means of audio and video recordings.
2. The aforesaid audio and video recordings will become part of these minutes, and shall be maintained by the County, available at all times for public inspection and copying as provided by law.
3. Because the aforesaid audio and video recordings provide an actual and verbatim record of the entire proceedings, the same are not repeated in these minutes, which will only summarize the proceedings, provide a listing of the persons who appeared before the Commission, and a general description of the comments made by them.
4. During the course of the proceedings, as reflected in the audio and video recordings, questions were propounded by Commissioners or County staff, which questions and answers are not recited herein, but preserved as part of the minutes and public record in the audio and video recordings referenced above.
5. During the course of the proceedings, as reflected in the audio and video recordings, some persons who addressed the Commission, submitted written comments, memoranda, publications, DVD's, or other written memoranda or data, and the same shall be preserved by the County as part of these minutes and shall constitute part of the official record of the proceedings held herein.
6. During the proceedings, some persons in attendance remarked that the acoustics in the room made it difficult to hear, and both the Commission and staff made every effort to remedy the situation, including moving the lectern closer to the Commission table, asking all persons to speak slowly and clearly, and directly into the microphone, and also asking all in attendance to move closer to the Commission table, to the many empty seats available at the front of the room.

## **PUBLIC COMMENT**

At 9:29 a.m., Chairman Leger announced that the Commission would entertain public comment as aforesaid, and invited anyone in attendance to come forward.

Whereupon, the following persons appeared before the Commission, each of whom expressed one or all of the following positions concerning oil and gas exploration in San Miguel County, for the reasons noted verbatim in the audio and video recordings which

are made an integral part of these minutes: (1) that oil and gas exploration and drilling should be banned entirely, (2) that hydraulic fracturing should be banned, (3) that oil and gas exploration and drilling should be strictly regulated, (4) that severe drought conditions and the unavailability of water throughout the County should preclude any oil and gas exploration and drilling in the county, and (5) that the County's existing oil and gas moratorium be extended:

Sarah Moore, Alan Lovekin, Joann Springer, [Sarah Moore], [Alan Lovekin], Ernesto Borunda, [Sarah Moore], Lee Einer, Miguel Angel, Nickie Sebastian. **[Brackets indicate the person addressed the Commission for a second or subsequent time during the meeting.]**

Whereupon, at 11:50 a.m., noting that no other persons sought recognition, Chairman Leger announced a recess, for lunch, until 1:30 p.m., and the meeting was duly recessed.

At 1:30 p.m., Chairman Nicolas T. Leger called the meeting to order and reconvened the public hearing, and the four Commissioners who answered the roll call at the inception of the meeting, continued to be present.

Whereupon, Chairman Leger invited public comment, and at 1:32 Miguel Pacheco addressed the Commission, followed by [Miguel Angel].

At 2:37, Chairman Leger announced a recess, until 3:00 p.m.

At 3:05, Chairman Leger reconvened the meeting, and invited public comment, and the following persons addressed the Commission: Leslie Hammel-Turk and [Lee Einer, who provided a DVD].

There being no other persons in attendance seeking recognition, Chairman Leger called a recess at 3:37 p.m.

At 4:04 p.m., Chairman Leger reconvened the meeting, and invited public comment, and the following persons addressed the Commission: Catherine Kahn, Dianne Lindsay, [Miguel Pacheco], Don Bennett, Diane Pretzer.

At 4:40 p.m., Chairman Leger solicited further public comment, asking anyone in attendance to come forward; and no person having come forward, Chairman Leger noted for the record that no person sought recognition.

Chairman Leger then announced that the second special meeting and public hearing set in this matter for Monday, October 15, 2012, beginning at 1:00 p.m., would convene as scheduled in the same location as today's hearing, but that the Commission may at such time move the meeting to the Commission chambers at the County Courthouse, as determined by the Commission at such time.

Chairman Leger also announced that the third special meeting and public hearing set in this matter for October 25 2012, would in all likelihood be cancelled; and that instead, the Commission would schedule a substitute public hearing sometime in mid-November, to allow sufficient advance notice and preparation for all interested persons, including expert witnesses. (Leger also noted that notice of the date, time and place of such meeting would be given by the County, well in advance.)

Whereupon, at 4:47 p.m., Commissioner Arthur J. Padilla moved adjournment of the special meeting/public hearing, and upon a second by Commissioner Marcellino A. Ortiz, the meeting was duly adjourned, all Commissioners voting in the affirmative.

**MOVED, SECONDED AND ADOPTED** this 13<sup>th</sup> day of November, 2012, as the minutes of the special meeting and public hearing held by the Board of Commissioners of San Miguel County, New Mexico, on Thursday, October 11, 2012.

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Nicolas T. Leger, Chairman

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Ron R. Ortega, Vice Chairman

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David R. Salazar, Member

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Marcellino A. Ortiz, Member

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Arthur J. Padilla, Member

Attest:

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Melanie Y. Rivera  
San Miguel County Clerk

( S E A L )