

**MINUTES OF THE SPECIAL MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF SAN MIGUEL COUNTY, NEW MEXICO, HELD
FRIDAY, FEBRUARY 22, 2013, BEGINNING AT 9:00 A.M.
AT THE COMMISSION CHAMBERS, SMC COURTHOUSE**

CALL TO ORDER AND ROLL CALL

Chairman Nicolas T. Leger called the meeting to order at 9:20 a.m., at the County Commission Chambers, 2nd floor, San Miguel County Courthouse, 500 Valencia Street, Las Vegas, New Mexico. Whereupon, the Clerk proceeded to call the roll, and all 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, Arthur J. Padilla and Gilbert J. B. Sena.

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 Agenda, and announced that the special meeting was called for the purpose of meeting with and hearing from Dr. Robert H. Freilich, Esq., the County's consultant in the formulation of an ordinance relating to oil and gas exploration and drilling, who met the previous day with interested persons and groups; and for the additional purpose of later meeting with counsel in executive session concerning pending litigation. Whereupon, Commissioner Padilla moved and Vice Chairman Ortega seconded, approval of the agenda, and the motion carried.

REPORT BY ROBERT H. FREILICH, ESQ.

Chairman Leger then called upon consultant/attorney Robert H. Freilich to make a presentation to the Commission and public concerning his work to date in the formulation of an ordinance, and concerning his all-day meetings the previous day with interested persons and groups.

Whereupon, Dr. Freilich presented his undertakings to date, and spoke with particularity concerning the several presentations made to him the previous day by interested persons and groups, providing a brief synopsis of the comment and input he received, and answering questions from the Commissioners, concluding his remarks at 9:50 a.m.

(Following his presentation, Dr. Freilich was asked questions by Commissioners and engaged in conversation with them, and Commissioner Padilla expressed that the existing Commission and county staff are honorable and dedicated to the public good,

but must be vigilant and prudent as an ordinance is formulated, ensuring that the public welfare is protected from future public officials who may not be so dedicated to the public good.)

Chairman Leger then announced that the Commission would allow the public in attendance to ask questions of Dr. Freilich, and the following persons sought recognition, offered comment and propounded questions to Dr. Freilich: Ralph Laumbach, Miguel Pacheco, Miguel Angel and Diane Lindsay.

EXECUTIVE/CLOSED SESSION

At 11:05 a.m., County Attorney Jesus L. Lopez recommended to the Commission that it retire into executive/closed session to consider matters subject to the attorney-client privilege pertaining to pending litigation against the County by Lee Einer (Community Environmental Legal Defense Fund), in San Miguel County District Court Cause No. D-412-CV-201300045, as permitted by Section 10-15-1(H)(7), NMSA 1978.

Whereupon, Commissioner Padilla moved and Commissioner Ortiz seconded, that the Commission retire into executive/closed session for the purpose recommended by the County Attorney, and upon a call of the roll by the Clerk, all five Commissioners voted in favor of the motion, and the Commission proceeded into executive session in the County Manager's office.

At 12:05 p.m., all five Commissioners returned to the Chambers, and Commissioner Ortiz moved, and Vice Chairman Ortega seconded, that the Commission reconvene in public session, and the motion carried unanimously.

Whereupon Chairman Leger announced that the Commission considered in executive session, only those matters noted in the motion made and approved for executive session.

At 12:07 p.m. Chairman Leger entertained a motion for adjournment, and there being no further business to come before the Commission, Vice Chairman Ortega moved and Commissioner Ortiz seconded, that the special meeting be adjourned, and the motion carried unanimously.

MOVED, SECONDED AND ADOPTED this 12th day of March, 2013, as the minutes of the special meeting held by the Board of Commissioners of San Miguel County, New Mexico, on Friday, February 22, 2013.

Nicolas T. Leger, Chairman

Ron R. Ortega, Vice Chairman

Marcellino A. Ortiz, Member

Arthur J. Padilla, Member

Gilbert J. B. Sena, Member

Attest:

Melanie Y. Rivera
San Miguel County Clerk

(S E A L)