

**MINUTES OF THE SPECIAL MEETING
OF THE BOARD OF COUNTY COMMISSIONERS OF
SAN MIGUEL COUNTY, NEW MEXICO,
HELD TUESDAY, SEPTEMBER 17, 2013, BEGINNING AT 1:30 P.M.**

CALL TO ORDER AND ROLL CALL

Chairman Nicolas T. Leger called the meeting to order at 1:39 p.m., at the Commission chambers on the 2nd floor of the San Miguel County Courthouse. Upon a call of the roll by the Clerk, 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 OF THE NM FLAG

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

APPROVAL OF AGENDA

Upon a motion by Commissioner Padilla and a second by Commissioner Sena, the Commission approved the Agenda as presented by the County Manager, without change. ***[Unless otherwise indicated, the meeting agenda is approved without change or deletion.]***

(ALL MOTIONS MADE AND SECONDED ARE DULY APPROVED AND ADOPTED WITHOUT FURTHER INDICATION OF SAID ACTION; AND ALL FORMAL ACTION IS BY UNANIMOUS VOICE VOTE, UNLESS OTHERWISE INDICATED.)

ITEM 1: EMERGENCY DISASTER DECLARATION OCCASSIONED BY FLOODING

County Manager Les Montoya introduced this Item, noting it was placed on the Agenda as an emergency matter requiring immediate attention by the Commission. Montoya briefly summarized the flooding damage which culminated on September 13, 2013, and the coordinated efforts undertaken by the County and other public agencies to protect the public health and safety. Montoya noted that he was away from Las Vegas during the disaster, but commended Finance Supervisor Melinda Gonzales (acting as county manager) for her diligent coordination of the emergency center at the courthouse.

Emergency Manager Dennis English then addressed the Commission, and presented a collection of photographs showing flooding damage throughout the county. English also informed the Commission of the coordinated efforts undertaken by the county and other

public agencies to deal with the flooding disaster and to protect the public health and safety.

All Commissioners expressed their appreciation and commendation to Gonzales, English, and everyone involved in the round-the-clock efforts to protect the public health and safety.

English then presented an Emergency Disaster Declaration for adoption by the Board of Commissioners, noting that the same will allow the County to initiate the process for both state and federal assistance; whereupon Vice Chairman Ortega moved adoption of the Resolution, and upon a second by Commissioner Padilla, the Resolution was duly approved and adopted by unanimous vote of the Commission.

ITEM 2: REVIEW OF PRELIMINARY DRAFT OIL & GAS ORDINANCE

At 2:05 p.m. Chairman Leger introduced this Item, noting that at its regular monthly meeting on August 13, 2013, the Commission received for review the preliminary draft oil and gas ordinance submitted by Dr. Robert H. Freilich, and determined that the draft would be discussed and reviewed at a special meeting of the Commission. Today's meeting, Leger continued, is being held for that purpose, and the Commission will review the preliminary draft in consultation with Dr. Freilich (by telephone) and staff, and make revisions as the Commission may determine, so that Freilich may submit a revised draft.

Whereupon Chairman Leger recognized Dr. Freilich, who appeared by telephone from California (whose voice was audible to all Commissioners and staff, whose voices were audible to Dr. Freilich). Dr. Freilich proceeded to review the salient provisions of the preliminary draft ordinance, concurrently engaging with all Commissioners, who propounded questions to Freilich, and offered their suggestions for further revision of the draft.

Among the revisions suggested by Commissioners, were a provision limiting the initial implementation of the ordinance to exploratory drilling, suggested by Chairman Leger; to the extent not already protected by existing language, further protection of the county's water and environment, suggested by Commissioner Padilla; and provision for the limitation of moneys generated by oil and gas development (in excess of that needed for administration and enforcement), to a fund to be used exclusively for study and implementation of alternative energy sources, suggested by Vice Chairman Ortega. Upon inquiry from Chairman Leger, Commissioners agreed that the foregoing revisions should be undertaken by Dr. Freilich, with an amended draft to be submitted by him in advance of the Commission's regular monthly meeting on October 08, 2013.

Thereupon, at the request of Vice Chairman Ortega, the county attorney provided the suggested timeline for adoption of an oil and gas ordinance in advance of the expiration of the existing moratorium on December 14, 2013. The timeline includes public hearings by the Planning & Zoning Commission and their recommendations to the

Board of Commissioners, and statutory public hearings to be held in both Pecos and Las Vegas.

At 4:11 p.m., Chairman Leger noted that the Commission had concluded the business for which the special meeting was called, and entertained a motion for adjournment. Whereupon, Commissioner Padilla moved and Vice Chairman Ortega seconded, that the meeting stand adjourned, and the motion was adopted by unanimous voice vote of the Commission.

MOVED, SECONDED AND ADOPTED this 08th day of October, 2013, by the Board of County Commissioners of San Miguel County, New Mexico, as the official minutes of its special meeting held September 17, 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)