

**MINUTES OF THE SPECIAL MEETING/PUBLIC HEARING
HELD BY THE BOARD OF COUNTY COMMISSIONERS
OF SAN MIGUEL COUNTY, NEW MEXICO, ON
THURSDAY, JANUARY 10, 2013, BEGINNING AT 10:00 A.M.
AT THE COMMISSION CHAMBERS, SMC COURTHOUSE**

CALL TO ORDER AND ROLL CALL

Chairman Nicolas T. Leger called the meeting to order at 10:00 a.m., at the County Commission Chambers, 2nd floor, San Miguel County Courthouse, 500 Valencia Street, Las Vegas, New Mexico. Leger proceeded with brief introductory remarks, welcoming everyone and urging civil and polite demeanor by all in attendance, and expressing the general process and procedure to be followed at the special meeting and public hearing.

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 soliciting and gathering public comment concerning the Commission's on-going efforts to adopt an ordinance relating to oil and gas exploration and drilling in San Miguel County. Leger also noted that all efforts were made to accommodate as many people as possible, that audio speakers and chairs were set-up at both the front and rear entrances to the chambers for the convenience of anyone remaining in those areas; and that young students from the Rio Gallinas Charter school, who were presently seated at the front of the chambers, would willingly give up their places to make room for anyone desiring to take a seat in the chambers.

Leger also introduced Professor Robert H. Freilich, Esq., a Los Angeles based attorney specializing in land use planning and law. Leger offered-up Freilich's credentials and background, and noted that he was previously retained by the Commission as a consultant in the areas of his expertise, to assist the Commission and county staff with the formulation of a comprehensive ordinance relating to oil and gas exploration and drilling in San Miguel County.

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 brief notation as to their remarks.
4. During the course of the proceedings, as reflected in the audio and video recordings, questions were propounded by Commissioners, Professor Freilich 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.

PUBLIC COMMENT

At 10:14 a.m., Chairman Leger announced that the Commission would entertain public comment as aforesaid, and informed all in attendance that they would be heard by the Commission. Leger noted that under prior arrangements made with county staff, Bernard Shear would be allowed to proceed first.

Whereupon, the following persons appeared before the Commission, each of whom expressed comments concerning oil and gas exploration and drilling in San Miguel County, for the reasons noted verbatim in the audio and video recordings which are made an integral part of these minutes, and whose remarks are categorized herein as generally opposed to oil and gas exploration and drilling, or generally in favor:

Bernard Shear, opposed, who introduced Thomas Alan Linzey.

Kathleen Dudley, opposed, who also introduced Thomas Alan Linzey.

Thomas Alan Linzey, Esq., Executive Director of the Community Environmental Legal Defense Fund, opposed, who appeared via live webcast from Mercersburg, Pennsylvania.

Leslie Hammel-Turk, opposed.

Michelle Henry, Esq., in favor, representing ranchers in the Conchas area of the county, who introduced Greg Miller.

Greg Miller, in favor, who appeared as an expert witness.

Susan Tsyitee, in favor.

Allan Cross, opposed.

Michael Coca, opposed.

Ray Herrera, in favor.

Lisa Gamble, opposed.

Mark Kirkpatrick (Ruby Ranch), in favor.

Sam Arnett, in favor.

Abbey Quinn (Clabberhill Ranch), in favor.

Dr. Don Hamilton, opposed.

Ralph Laumbach, opposed.

George Springer, opposed.

Brian Quinn (Clabberhill Ranch), in favor.

David Knutson, in favor.

Alan Franken, in favor.

Jim Franken, in favor.

Wayne Sonchar, in favor.

Jody Stege, opposed.

William Gagen, opposed.

Kathleen Dudley, opposed.

Mary Lou Griego, opposed.

At 1:00 p.m., Chairman Leger announced that the Commission would recess for lunch, during which time the Commission would meet in executive/closed session, and Leger called upon County Attorney Jesus Lopez to state for the record the purpose of the aforesaid executive session; and Lopez then recommended that the Commission retire into closed executive session for the purpose of considering matters subject to the attorney-client privilege pertaining to threatened litigation against the County by Lee Einer and the Community Environmental Legal Defense Fund, as permitted by Section 10-15-1(H)(7), NMSA 1978. (Upon the request of citizen Miguel Pacheco, Lopez repeated his prior recommendation for executive session.)

Whereupon, Vice Chairman Ortega moved and Commissioner Ortiz seconded, that the Commission retire into closed executive session for the purpose recommended by the county attorney as aforesaid. Upon a call of the roll, all Commissioners voted in favor of the motion, and the Commission retired into closed executive session in the County Manager's office.

At 2:42 p.m., all five Commissioners returned to the Chambers, and Vice Chairman Ortega moved, and Commissioner Padilla 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; and Leger reconvened the public hearing, and the Commission continued to entertain public comment, as follows:

Mike Gallagher, Lea County Manager, in favor.

Molly Smollett, opposed, who offered a 12-minute DVD presentation.

Bernard Schear, opposed, who offered a 40-minutes power point presentation.

Greg Nibert, Chaves County Commission chairman, in favor.

Phil Beegan, in favor.

Julie Olague, opposed.

Clem Wilks, opposed.

John Clema, opposed.

Leon Romero, in favor.

Susan Waterman, opposed.

Samantha Hern, opposed.

Andrew Gold, opposed.

Benjamin Gillock, opposed.

Maritta Noon, Citizens Alliance for Responsible Energy, in favor.

Whereupon, at 4:58 p.m., Chairman Leger announced that the Commission would be in recess for a few minutes, to allow everyone to stretch and attend to any personal business.

At 5:17 p.m., Chairman Leger reconvened the public hearing, and the Commission continued to entertain public comment as follows:

Lorenzo Flores, opposed.

Brad Turk, opposed, who introduced Robert Wessley.

Robert Wessley, opposed, whose appearance was by DVD.

Leroy Benavidez, opposed.

Gloria Constantine, opposed.

At 5:48 p.m., Chairman Leger recognized Professor Freilich for any remarks, noting that Freilich needed to depart for Albuquerque. Whereupon, Freilich, seated at the rostrum with the Commission, proceeded to address all in attendance, his remarks summarized generally as follows: He commended all in attendance for their robust interest; he noted that any additional data and documents should be submitted to county staff and to him; that he will assist the Commission in developing a comprehensive ordinance, but that such ordinance will be as directed and formulated by the Commission, not himself – that he will act only as a consultant, offering his expertise; and that during his next return

trip to Las Vegas, he will meet with all interested parties, and he urged everyone to make plans to visit him and offer their thoughts and suggestions.

Whereupon, at 6:25, Chairman Leger noted the departure of Professor Freilich, and proceeded to entertain public comment, as follows:

Dave Wineburg.

Max Trujillo, opposed.

Lee Johnson, opposed.

Yolanda Cruz, (Health Council), urging caution and deliberation.

Pat Melton, urging caution and deliberation.

Stefan Harrigan, UWC student, opposed.

Marisol Fernandez, UWC student, opposed.

Whereupon, at 7:00 p.m., Chairman Leger announced that another public hearing would be scheduled, to accommodate anyone who was not heard at today's hearing, and to otherwise solicit public comment and input as the County proceeds to formulate a comprehensive ordinance relating to oil and gas exploration and drilling; and at 7:01 p.m., Vice Chairman Ortega moved and Commissioner Sena seconded, that the Commission adjourn, and upon the unanimous adoption of the motion, the special meeting and public hearing was duly adjourned.

MOVED, SECONDED AND ADOPTED this 12th day of February, 2013, as the minutes of the special meeting and public hearing held by the Board of Commissioners of San Miguel County, New Mexico, on Thursday, January 10, 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)