

**MINUTES  
OF THE SPECIAL MEETING/PUBLIC HEARING  
HELD BY THE BOARD OF COUNTY COMMISSIONERS  
OF SAN MIGUEL COUNTY, NEW MEXICO  
ON SATURDAY, JUNE 28, 2014, BEGINNING AT 10:00 A.M.  
AT THE COMMISSION CHAMBERS, LAS VEGAS, NEW MEXICO**

**CALL TO ORDER AND ROLL CALL**

The special meeting/public hearing was called to order at 10:00 a.m. by Chairman Nicolas T. Leger.

Upon a call of the roll by the Clerk, four of the five Commissioners were present and a quorum duly established, as follows: Chairman Nicolas T. Leger, and Commissioners Marcellino A. Ortiz, Arthur J. Padilla and Gilbert J. B. Sena. (Chairman Leger noted that Vice Chairman Ortega planned to attend, but was delayed.)

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

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

**PURPOSE AND NOTICE**

Chairman Leger read the public notice for the special meeting and public hearing, as follows:

*The Board of County Commissioners of San Miguel County, New Mexico, will hold and conduct a special meeting and public hearing on Saturday, June 28, 2014, from 10:00 a.m. to 3:00 p.m. in Las Vegas, New Mexico, in the County Commission Chambers, Second Floor of the County Administrative Building, 500 W. National Avenue, Suite 200, Las Vegas, New Mexico.*

*The public hearing will be held for the purpose of entertaining public comment on the proposed draft oil and gas ordinance and the County's Comprehensive Plan in relation thereto, both of which are posted on the San Miguel County website. At such hearing, the County Commission will entertain public comment and receive information and data which may be presented by interested persons.*

Chairman Leger introduced County Commissioners, staff, Dr. Robert Freilich, Ingrid Beil and Steve Berstein, the later three being consultants retained by the County to assist in

the formulation and development of an ordinance relating to oil and gas exploration and drilling.

Dr. Freilich was then recognized for some introductory remarks, and he reviewed the work which had thus far been undertaken by him and the County in the development of an oil and gas ordinance. Freilich also expressed his concerns about any further extension of the oil and gas moratorium, and advised the Commission that he was confident that both a rational and legally sustainable ordinance, and a related amendment of the County's Comprehensive Plan in relation to the ordinance, could be enacted by November, 2014.

Steve Berstein of Advanced Research Consultants also addressed the Commission and those in attendance, and provided a summary of the work ARC had undertaken relating to an oil and gas ordinance, and relating, in particular, to the need to address and modify the County's Comprehensive Plan to not disallow oil and gas exploration and development in east San Miguel County.

Chairman Leger then advised all in attendance that each person would be allowed up to 3 minutes to speak, that their names would be called from the sign-in sheet, and that after everyone spoke, if time permitted, the Commission would entertain further public comment from persons who again desired to speak.

### **PUBLIC COMMENT**

Whereupon, beginning at 10:35 a.m., the following 25 persons addressed the County Commission, and offered their comments relating generally to oil and gas exploration and drilling in San Miguel County, and in the eastern part of the County in particular, and relating to the formulation of a county ordinance relative thereto, and relating to the oil and gas moratorium, and to sundry other matters relating generally to the purpose of the public hearing:

Leslie Hammel-Turk, Cathy Swedlund, Jane Lumsden, Nina Scharf, Barbara Ehrlich, Perceyn Gardner, Marcy Matlock, Bob Pearson, Carrol Pearson, Suzanne Coffey, Pat Leahan, Chad Bolick, Brad Turk, Bill Madison, Vic Harp, David Pascale, Rock Ulibarrí, Jackie Abeyta, Lorenzo Flores, Ralph Laumbach, Jose Pacheco, Steve Henke, Matthew Gonzales, Phil Bidegain and Kelly Geotch. (Several of the speakers provided extensive written summaries of their remarks and presentations, and the same were submitted to the Commission and to Dr. Freilich.)

At 12:08 p.m. the County Commission recessed for lunch, and reconvened at 1:15 p.m., with all four Commissioners still in attendance; whereupon Chairman Leger invited public comment, and the following 04 persons addressed the County Commission concerning oil and gas exploration and drilling in San Miguel County: Don Shaw, Andy Gold, John Ochterbeck and Salvador Higgins.

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*[A contemporaneous audio recording was made of the entire public hearing, and the public comments made by those in attendance are preserved in said audio recording maintained by the office of the San Miguel County Clerk, and available for inspection and duplication at any time during regular business hours; and all written submissions tendered by any person are received and retained by county staff.]*

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*[At 1:17 p.m. County Commissioner (Vice Chairman) Ron Ortega entered the Commission chambers and remained seated in the spectator section of the chambers, until he departed the chambers at 2:50 p.m., and did not join the Commission at the rostrum.]*

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#### **ADDITIONAL PUBLIC COMMENT**

At 1:30 p.m., Chairman Leger asked if there was any person who had not yet spoken, who desired to address the County Commission. No person came forward, and Chairman Leger then invited anyone who had spoken previously, to again address the Commission, and the following persons offered public comment: Marcy Matlock, Pat Leahan, Bill Madison, Brad Turk, Vic Harp, Zi Pinsley (first time speaker), Jennifer Bellin (first time speaker), Bob Pearson, Catherine Kahn, and Wes Thompson (first time speaker).

At 2:12 p.m., Chairman Leger asked if any other person desired to address the Commission, and no person came forward; and Chairman Leger then invited Robert Freilich, Esq., to address the Commission and the public, and Freilich proceeded to address many of the issues raised and questions posed during the public hearing.

Following Freilich's remarks, beginning at 2:30 p.m., a discussion ensued between Freilich and County Commissioners, relating to the continuing development by Freilich of a draft ordinance relating to oil and gas exploration and drilling in the county, and to Freilich's draft of an amendment to the County's Comprehensive Plan in relation thereto, and relating in particular to the timeline for formal adoption of said ordinance and amendment to the Comprehensive Plan, *and like the entire proceedings of the special meeting and public hearing, all comments made by Freilich, Commissioners and staff are preserved in a contemporaneous audio recording maintained by the office of*

the San Miguel County Clerk, and there available for inspection and duplication at any time during regular business hours.

At 2:50 p.m., following the general discussion and deliberation between Commissioners and Freilich, the following persons were recognized and each addressed questions to Dr. Freilich, which he addressed in turn: Zi Pinsley, Catherine Kahn, Bill Madison, Pat Leahan and Carol Johnson.

**ADJOURNMENT**

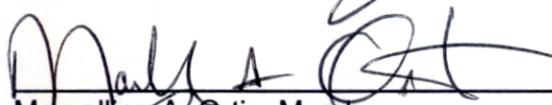
Whereupon, at 3:02 p.m., no other person seeking recognition to address the County Commission, and the purpose of the special meeting and public hearing having concluded, Chairman Leger entertained a motion for adjournment, and the same was made by Commissioner Sena, seconded by Commissioner Padilla, and passed by unanimous voice vote of the Commission.

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**MOVED, SECONDED AND ADOPTED** by the Board of County Commissioners of San Miguel County, New Mexico, this 12<sup>th</sup> day of August, 2014, as the minutes of the special meeting and public hearing held by said Board of Commissioners on June 28, 2014, in Las Vegas, New Mexico.

  
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Nicolas T. Leger, Chairman

  
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Ron R. Ortega, Vice Chairman

  
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Marcellino A. Ortiz, Member

  
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Arthur J. Padilla, Member

  
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Gilbert J. B. Sena, Member

Attest:

*Melanie Y. Rivera*

Melanie Y. Rivera  
San Miguel County Clerk

