

**MINUTES OF THE SPECIAL MEETING
HELD BY THE BOARD OF COMMISSIONERS OF
SAN MIGUEL COUNTY, NEW MEXICO,
ON FRIDAY, SEPTEMBER 05, 2014, BEGINNING AT 1:30 P.M.**

CALL TO ORDER AND INTRODUCTION

At 1:37 o'clock p.m., Chairman Nicolas T. Leger called the special meeting to order, and stated that only one item was before the Board of Commissioner's at today's special meeting: *To review, deliberate upon and make decisions concerning a draft ordinance relating to oil and gas exploration and drilling in San Miguel County, and concerning a related draft amendment to the County's Comprehensive Plan.*

Leger then proceeded to read in its entirety the Notice for the special meeting, then asked the Clerk to call the roll of the Commission.

ROLL CALL

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 Arthur J. Padilla and Gilbert J. B. Sena. (Commissioner Marcellino A. Ortiz was absent.)

PLEDGE OF ALLEGIANCE AND SALUTATION TO THE NM FLAG

Chairman Leger dispensed with this Item, noting that the Commission had undertaken the ceremonial pledge and salutation minutes earlier at the beginning of the previously held emergency meeting.

PURPOSE OF SPECIAL MEETING: TO REVIEW, DELIBERATE UPON AND MAKE DECISIONS CONCERNING A DRAFT ORDINANCE RELATING TO OIL AND GAS EXPLORATION AND DRILLING IN SAN MIGUEL COUNTY, AND CONCERNING A RELATED DRAFT AMENDMENT TO THE COUNTY'S COMPREHENSIVE PLAN

Whereupon, Chairman Leger recognized County Manager Les Montoya, who presented a brief update on work by County staff and consultants concerning the on-going formulation of an oil and gas ordinance, and amendment to the County's Comprehensive Plan.

At the conclusion of the County Manager's presentation, Chairman Leger recognized Steve Burstein of Architectural Research Consultants Inc. (ARC), retained by the County to work with staff and Dr. Robert Freilich in the development of an oil and gas

ordinance, and especially concerning amendment (oil and gas element) of the County's Comprehensive Plan in relation thereto.

Steve Burstein

Whereupon, at 1:40 p.m., Steve Burstein appeared before the Commission and explained to the Commission that in accordance with public hearings held previously, and data collected by his firm, and pursuant to previous direction from the County Commission and staff, ARC developed a final draft "oil and gas element" for amendment of the County's Comprehensive Plan with relation to oil and gas exploration and drilling in the eastern part of San Miguel County. (Burstein's presentation included overhead projections of maps and other images on the two monitors in the Commission Chambers.)

During his presentation, Burstein answered questions propounded by Commissioners and staff, explaining in detail how the "oil and gas element" was developed based on data gathered and submitted, and based on the record of public hearings previously held by the County Commission on amendment of the County's Comprehensive Plan in relation to the concurrent development of an oil and gas ordinance.

At 2:50 p.m., Burstein ended his presentation.

Robert Freilich, Esq.

Whereupon, at 2:52, Chairman Leger recognized Dr. Robert Freilich of Freilich & Popowitz, the law and consulting firm retained by San Miguel County to help formulate and develop an ordinance relating to oil and gas exploration and drilling in the County.

Dr. Freilich began his presentation by explaining the work his firm has done for San Miguel County since first retained some two years earlier. Freilich noted that in addition to personally attending several meetings and public hearings held by the County Commission relating to an oil and gas ordinance and amendment of the County's Comprehensive Plan in relation thereto, he personally reviewed the extensive record of proceedings and data collected, including the two volumes of data submitted by Protect San Miguel County (Brad Turk, et al.). He also stated that he has worked closely with Steve Burstein and other ARC staff, and together they have collaborated on the "oil and gas element" for amendment of the County's Comprehensive Plan, which element has been incorporated into the draft oil and gas ordinance.

Freilich stated that the draft ordinance before the Commission is the final draft developed by his firm, in accordance with the foregoing proceedings and data, and decisions by the County Commission, all of which have been incorporated into the draft. (During his presentation, Freilich answered questions propounded by Commissioners and staff, and engaged in an on-going dialogue with them.)

Whereupon, following Dr. Freilich's presentation, beginning at 4:15 p.m., Commissioners expressed their general satisfaction with the draft ordinance, and their particular concerns, as follows:

Commissioner Arthur J. Padilla: Stated that the draft ordinance appears to protect public health and safety, yet is not overly burdensome to the oil and gas industry; that the ordinance should include a provision allowing for abatement of oil and gas drilling during severe droughts; that enforcement of the ordinance is still a major concern for him, and should be strengthened; and that the ordinance should include a requirement for full disclosure of all chemicals used for hydraulic fracturing.

Commissioner Gilbert J. B. Sena: Stated that his major concern is the protection of water resources and public health, and that the draft ordinance appears to accomplish that end.

Vice Chairman Ron R. Ortega: Stated he believes the draft ordinance is moving in a way that is manageable, and provides a good and balanced foundation.

Chairman Nicolas T. Leger: Stated that the Pecos water shed should be included at page 3, Section 2106.15 of the draft ordinance; that the ordinance should require compliance with established baseline water data prior to drilling; and that baseline data should also be established in relation to air quality and noise; and that a closed-loop system should be required.

FORMAL ACTION BY COUNTY COMMISSION

Approval of Draft Ordinance

Immediately following the foregoing comments and recommendations by County Commissioners, at 4:58 p.m., Commissioner Padilla moved that the draft ordinance presented and submitted by Dr. Robert Freilich, with the additional recommendations made by Commissioners today, be approved as the draft settled upon by the Commission for presentation to the public as the proposed ordinance regulating oil and gas exploration and development in San Miguel County, and for further proceedings after notice and hearing as required by law.

Commissioner Padilla's motion was seconded by Vice Chairman Ortega, and was duly approved by unanimous voice vote of the County Commission.

Approval of Draft Amendment (Oil&Gas Element) to County Comprehensive Plan

At 4:59 p.m., Commissioner Sena moved that the draft amendment to the County's Comprehensive Plan, being the oil and gas element relating to the oil and gas ordinance, with the additional recommendations made by Commissioners today, be approved as the draft settled upon by the Commission for presentation to the public as

the proposed amendment to the Comprehensive Plan, and for further proceedings after notice and hearing as required by law.

Commissioner Sena's motion was seconded by Commissioner Padilla, and was duly approved by unanimous voice vote of the County Commission.

Submission to Planning & Zoning Commission

At 5:00 p.m., Commissioner Padilla moved that both the draft oil and gas ordinance and the oil and gas element amendment to the County's Comprehensive Plan, as approved today, be submitted to the County's Planning & Zoning Commission for its review and recommendations, as required by the County's Zoning Ordinance.

Commissioner Padilla's motion was seconded by Commissioner Sena, and was duly approved by unanimous voice vote of the County Commission.

ADJOURNMENT

At 5:01 p.m., Commissioner Padilla moved and Vice Chairman Ortega seconded, that the special meeting be adjourned, and by unanimous voice vote, the motion was duly approved and the special meeting adjourned.

MOVED, SECONDED AND ADOPTED this 14th day of October, 2014, as the minutes of the special meeting held by the Board of County Commissioners of San Miguel County on September 05, 2014.



Nicolas T. Leger, Chairman



Ron R. Ortega, Vice Chairman

Marcellino A. Ortiz, Member



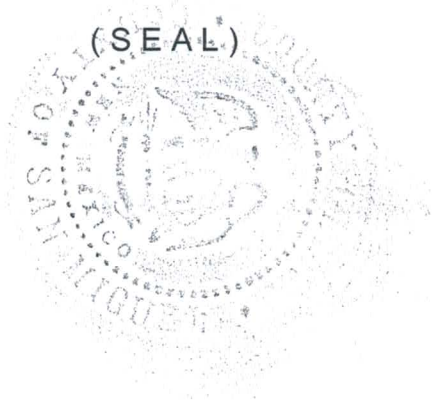
Arthur J. Padilla, Member



Gilbert J. B. Sena, Member

Attest:

Melanie Y. Rivera by GGG
Melanie Y. Rivera
San Miguel County Clerk



Minutes of Special/Regular/Emergency Monthly Meeting of the Board of County Commissioners of San Miguel County, New Mexico held SEPTEMBER 5TH 2014, beginning at 1.30 P.M.

Minutes prepared by:

Mr. Jesus Lopez

County Attorney