

MINUTES of The SPECIAL MEETING * PUBLIC HEARING

of The BOARD of COUNTY COMMISSIONERS

of SAN MIGUEL COUNTY, NEW MEXICO

HELD SEPTEMBER 15, 2021 AT 5:00 PM



1. CALL TO ORDER

The San Miguel County Board of Commissioners held a special meeting on Wednesday, September 15, 2021. San Miguel County Chairman Harold Garcia called the meeting to order at 5:01 PM in the Village of Pecos at the Pecos Independent Schools Auditorium, North NM Highway 63, 87552. Zoom link is active.

2. ROLL CALL

Upon roll call by County Deputy Clerk Jacob P. Gonzales: Chairman Harold Garcia present, Madam Vice-Chair Janice Varela present, Commissioner Max Trujillo present, Commissioner Martin Sena present, and Commissioner Kenneth Medina present.

The record will show a quorum is present.

3. PLEDGE OF ALLEGIANCE and SALUTE TO FLAG OF STATE OF NEW MEXICO

"I salute the flag of the State of New Mexico and the Zia Symbol of perfect friendship among United Cultures.

County Manager Joy Ansley led the Pledge of Allegiance and the Salutation to the New Mexico State Flag.

4. APPROVAL OF AGENDA

Chairman Harold Garcia asked for a moment of silence in honor of the passing of Amelia Mollie Romero, and offered condolences to the Dave Romero Jr and family.

County Manger Joy Ansley and no commissioner indicated no changes to the Agenda.

Motion made by Commissioner Martin Sena to approve Agenda. Second by Commissioner Kenneth Medina. Motion carried.

NEW BUSINESS



Chairman Harold Garcia asked for a motion to adjourn Special Meeting and enter Public Hearing.

Motion made by Commissioner Max Trujillo to adjourn Special Meeting and enter Public Hearing. Second by Vice-Chair Janice Varela. Motion carried. Public Hearing entered into at 5:03 PM.

5. PUBLIC HEARING ON ROCK MINING (Mineral Resource Exploration, Extraction and Processing)

County Attorney Dave Romero Jr. addressed the auditorium and asked the Public Speaking on the Mining Ordinance to list their names and addresses on the Public Input Form. Counselor Romero then asked respondents to swear an Oath of Truth in Testimony for those speaking on the Ordinance:

Telesfor Benavidez (signed up for testimony but left before Public Input began)

Bob Westly

Danny Davis

Leslie Hammill Turk, statement read by Janice Varela

Logan Glassmat

Pablo Sanchez

Teresa Seemster

Phillip Sanchez

Lella McBaron

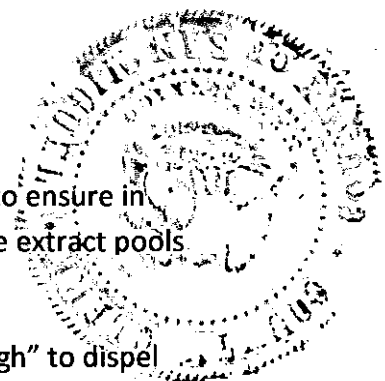
Linda Moonstone

Alvinia Ribera

County Attorney Dave Romero Jr. stated the Ordinance is a "living document" and as time goes on additional amendments can be included in the Ordinance as new legal responsibility, and environmental concerns are raised. Section 5.4 calls for secured funding if the mining company temporarily or permanently closes. Conditional use permits in this mining ordinance are quite specific in outlining requirements in transferring use to another operator.

Counselor Romero stated the importance of maintaining our environmental framework in allowing mining in this wilderness area and of the head-waters of the Pecos River that provide clean water to many thousands of citizens in Pecos and throughout San Miguel county and many more miles downstream into other states and countries. The Ordinance states that water sources – aquifer, underground reservoirs and the river itself – must be protected and quality tests will be called for semi-annually. Traffic increase in the rural area is a concern.

Most testators encourage the Commission to adopt the mining ordinance and to ensure in legislative language the punishments for pollution decades into the future if the extract pools or other mining components are not properly secured.



Bob Westly asked the Commission to consider that fines and fees being “too high” to dispel mining development. Most of the other respondents indicated that the mining corporations be held to the high standards and high fines and should be charged for their irresponsibility, incompetence and greed. Logan Glassmat expressed concern for perpetual care because many mining companies conduct business then file bankruptcy and relinquish financial responsibility for clean-up – this ordinance requires financial assurance for mining operations and when the mine is shuttered. Pablo Sanchez, Teresa Seemster, Lella McBaron agreed on Mr. Glassmat testament. Linda Moonstone asked the Commission to consider raising the fee for Environmental Impact Study as the current fee of \$10,000 rarely covers the entire scope of a professional and thorough Environmental Impact Study. Alvinia Ribera spoke on the 60 years she has lived on the mountain, and that even during the red-sludge pollution from the Terrero gold mine, she continued to drink water for personal and animals and irrigated from the Pecos River, and stated she is fine and so was her husband. She encouraged further economic development that allows for development.

Counselor Romero asked if any additional attendees would like to speak; no-one came forward.

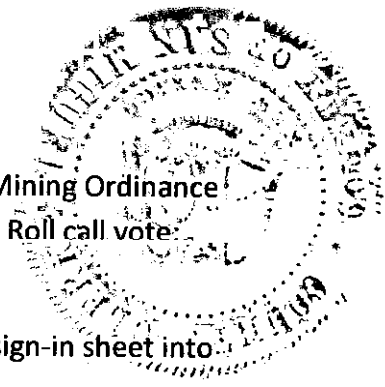
Motion made by Vice-Chair Janice Varela to adjourn Public Hearing and enter Special Meeting. Second by Commissioner Kenneth Medina. Motion carried. Special Meeting re-adjourned at 6:25 PM.

6. CONSIDERATION OF ROCK MINING ORDINANCE (Mineral Resource Exploration, Extraction and Processing)

County Attorney Romero Jr. asked for a motion to enter the Mining Ordinance into the Formal Record of the Special Meeting as Exhibit A. This motion is not to approve or reject the Ordinance.

Motion made by Commissioner Martin Sena to enter the Mining Ordinance into the Formal Record as Exhibit A. Second by Commissioner Max Trujillo. Roll call vote: All Commissioners voted affirmative, motion carried.

County Attorney Dave Romero Jr. asked for a motion to enter the e-mail comments into the Formal Record as Exhibit B. Nine comments were received.



Motion made by Commissioner Max Trujillo to enter e-mail comments on the Mining Ordinance into the Formal Record as Exhibit B. Second by Commissioner Kenneth Medina. Roll call vote: All Commissioners voted affirmative, motion carried.

County Attorney Dave Romero Jr. asked for a motion to enter the Public Input sign-in sheet into the Formal Record as Exhibit C.

Motion made by Commissioner Max Trujillo to enter Public Input sign-in sheet as Exhibit C into the Formal Record. Commissioner Janice Varela second. Roll call vote: All Commissioners voted affirmative, motion carried.

The Commission took a moment to thank all individuals who participated in active governance for attending the meeting, supplying commentary, dedicating time, effort and expertise in devising this Ordinance.

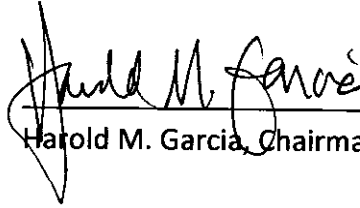
Chairman Harold Garcia asked for a motion to Adopt or Reject Rock Mining Ordinance.

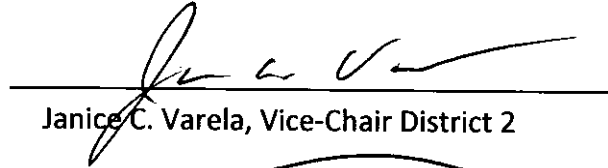
Motion made by Vice-Chair Janice Varela to Adopt Rock Mining Ordinance. Second by Commissioner Max Trujillo. Roll call vote: All Commissioners voted affirmative, motion carried.

Upon Adoption of Rock Mining Ordinance in San Miguel County, the attendees at the Pecos Schools Auditorium expressed happiness by a standing ovation.

Motion made by Commissioner Kenneth Medina to adjourn the Special Meeting. Second by Commissioner Martin Sena. Motion carried. Special Meeting on Rock Mining Ordinance adjourned at 6:34 PM.

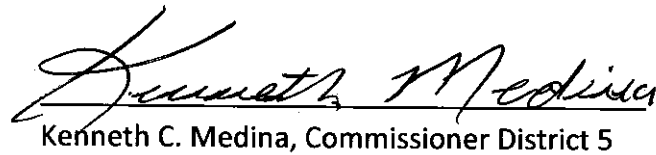
Approved this 17th day of Oct, 2021 as the Official Minutes of the Board of County Commissioners of San Miguel County New Mexico of its Special Meeting held September 15, 2021 held at Pecos Schools Auditorium in Pecos, New Mexico.


Harold M. Garcia, Chairman District 1

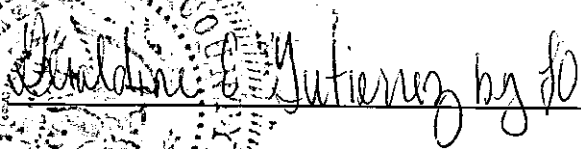

Janice C. Varela, Vice-Chair District 2

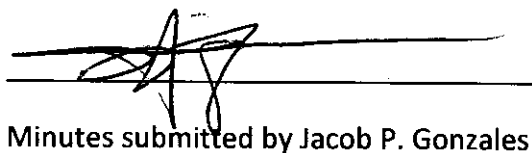

Max O. Trujillo, Commissioner District 3


Martin Sena, Commissioner District 4


Kenneth C. Medina, Commissioner District 5

ATTEST:


Geraldine E. Gutierrez
San Miguel County Clerk


Minutes submitted by Jacob P. Gonzales