

NEW MEXICO COAL SURFACE MINING COMMISSION

Robert Q. Rogers, Jr., Chairman

SPECIAL OPEN MEETING

September 2, 1999

9:30 A.M.

**Room 318 of the State Capitol Building
Santa Fe, New Mexico**

AGENDA

1. Roll Call
2. Approval of the Agenda
3. Approval of the Minutes of the August 24, 1999 Special Meeting
4. Possible discussion and action on pending litigation in Santa Fe County District Court Cause No. 98-30(c) Pueblo of Zuni v. New Mexico Coal Surface Mining Commission, et al. Possible Executive Session on same
5. Return to Open Session
6. Other Business in Open Session
7. Adjourn

**MINUTES
NEW MEXICO COAL SURFACE MINING COMMISSION
SPECIAL OPEN MEETING**

September 2, 1999

A New Mexico Coal Surface Mining Commission Special Open Meeting was held on September 2, 1999 at 9:30 a.m. in Santa Fe, New Mexico in Room 318 of the State Capital building.

The following members were present:

Mr. Robert Q. Rogers, Jr.	Chairman, State Engineer's Office
Ms. Gretchen Hoffman	Bureau of Mines and Mineral Resources
Mr. Robert McCaslin	Agricultural Experiment Station
Ms. Jami Bailey	State Land Office
Mr. Richard Mertz (for Pete Maggiore)	Environment Department
Ms. Amy Fisher	Department of Game and Fish
Mr. Dushan P. Milovich	Public Member
Mr. John Bokich	Public Member

The following members were absent:

Mr. J. R. Roybal	N. M. Soil and Water Conservation Districts
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Also Present:

Mr. John Pfeil	Clerk
Mr. Pat Simpson	Office of the Attorney General
Mr. Al Lama	Office of the Attorney General

Chairman Rogers calls the meeting to order at 9:34 a.m.

1. Roll Call

Chairman Rogers asks the Clerk to perform the roll call.

2. Approval of the Agenda

Chairman Rogers asks if there are any comments/changes to the agenda. Motion by Ms. Bailey to accept agenda without changes, second by Mr. Milovich. The motion to approve the agenda passes unanimously.

3. Approval of the Minutes of the August 24, 1999 Special Meeting

Chairman Rogers asks if there are any comments/changes to the minutes. Motion by Ms. Bailey to accept minutes without changes, second by Mr. Bokich. The motion to approve the minutes passes unanimously.

4. Adjourn to Executive Session: Discussion of Pending Litigation

Chairman Rogers asks if there is a motion to adjourn to executive session. Mr. Mertz makes a motion, second by Mr. Bokich. Chairman Rogers reminds the Commission that adjournment to executive session is pursuant to NM Statute 10-13-1(H)(3) and that adjournment requires a roll call vote. Chairman Rogers then conducts a roll call vote on the motion to move into executive session. The motion passes unanimously and the Commission goes into executive session at approximately 9:36 a.m. Chairman Rogers tells the audience that the session will last at least one hour.

The Commission goes into executive session.

5. Return to Open Session

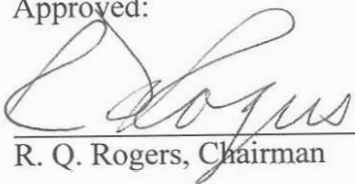
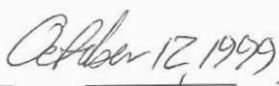

Chairman Rogers reopens the meeting on a motion by Mr. Bokich, second by Ms. Bailey at about 11:18 a.m. The meeting returns to open session on a unanimous roll call vote. Mr. Simpson makes a statement that the only thing discussed in executive session was the Fence Lake pending litigation and that no action was taken by the Commission. Mr. Mertz requests of Chairman Rogers that he be allowed to make a motion. After a short statement Mr. Mertz makes a motion that the Commission not do as the Attorney General asked them to do, but continue on with the litigation. Chairman Rogers asks for a second; there being no second the motion dies.

6. Other Business in Open Session

None discussed.

7. Adjourn

Mr. Bokich moves to adjourn the meeting, second by Ms. Bailey. Meeting is adjourned on a voice vote; all are in favor except Mr. Mertz. Meeting adjourns at 11:35 a.m.

Approved:		Minutes by:
		
R. Q. Rogers, Chairman	Date	John J. Pfeil, Commission Clerk