



CIBOLA COUNTY BOARD OF COMMISSIONERS

Robert Armijo
Chairman

Daniel Torrez
1st Vice Chairman

Jack Moleres
2nd Vice Chairman

Robert Windhorst
Commissioner

Martha Garcia
Commissioner

**Special Meeting
April 13th, 2018
1:30 p.m.**

**Cibola County Commission Chambers
700 E. Roosevelt Ave., Suite 50**

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Prayer**
5. **Approval of Agenda**

6. **New Business – Action May Be Taken**

- a. Consideration of Resolution 18-28-A Resolution Amending Resolution 17-28 as to Paraje Precinct 24
- b. Consideration of Resolution 18-29 To Oppose EPA Decision to Place San Mateo Creek Basin on the National Priorities List

7. **Announcements**

The next Regular Commission Meeting will be held on Thursday, April 26th, 2018 at 5:00p.m. in the Cibola County Commission Chambers.

8. **Adjournment**

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting please contact the Cibola County Administration Building, 700 East Roosevelt Ave., Suite 50, Grants, NM 87020, phone (505) 287-9431 at least one (1) week prior to the meeting or as soon as possible. Public document including the agenda and minutes, can be provided in various accessible formats. Please contact the Cibola County Administration if a summary or other type of accessible format is needed.

STATE OF NEW MEXICO
COUNTY OF CIBOLA
THIRTEENTH JUDICIAL DISTRICT COURT

IN RE THE DESIGNATION AND
CHANGE OF POLLING PLACE FOR
CIBOLA COUNTY FROM PARAJE
RECREATION HALL PRECINCT 24 TO
THE NEW PARAJE RECREATION HALL,
PARAJE, NM 87007

Case No. _____

PETITION TO ALLOW CHANGE OF POLLING PLACE

COMES NOW, Michelle E. Dominguez, County Clerk for Cibola County, requests an order allowing a change in the polling place for Precinct 24 for the Primary Election on June 5, 2018. In support of this motion petitioner states the following:

1. NMSA 1978 1-3-7(B) (2017) provides that "The Board of County Commissioners shall designate as the polling place or places, as the case may be, in each precinct, other than a mail ballot election precinct, the most convenient and suitable public building or public school building in the precinct that can be obtained."
2. However, NMSA 1978 1-3-5 (2017) states that " No precinct shall be created, divided, abolished or consolidated or the boundaries or polling place therein changed less than four months prior to each election, except by order of the district court."
3. The polling place for Precinct 24 in Cibola County, was scheduled to be at Paraje Recreation Hall.
4. This polling place cannot be used for the upcoming Primary Election because it is under renovation.
5. The most convenient and suitable building that can be obtained in Precinct 24 for the Primary Election is the New Paraje Recreation Hall, 31 Paraje Road, Paraje, NM 87007.
6. The Cibola County Board of Commissioners, by Resolution has designated the Old Paraje Recreation Hall, 29 Paraje Road, Paraje, NM 87007 as the polling place for the Primary Election

on June 5, 2018, pending approval by this Honorable Court. See Resolution copy attached as Exhibit A.

WHEREFORE Petitioner respectfully requests the Court enter an Order:

1. Relocating the polling place for Precinct 24 from the old Paraje Recreation Hall to the new Paraje Recreation Hall, Paraje, NM 87007 for the Primary Election on June 5, 2018.
2. Asking the Board of Cibola County Commissioners to send a certified copy of the Order to the New Mexico Secretary of State and to the County Chairman of each major political parties as soon as practicable;
3. Providing written notice to the Secretary of State and to the County Chairman of each of the major political parties as soon as possible;
4. That the County Commission shall publish the Order once in a newspaper as provided in the Election code under NMSA 1-3-8 (2017) and NMSA 1-1-14 (2017) as soon as practicable;
5. To post this Order in a safe and conspicuous location in English and Spanish or any language as required at the prior polling location and at the new polling place;
6. To post this Order in a prominent location in the community in English, Spanish, or any other language as required; and
7. To contact a local radio station and newspaper and inform them of this Order.

Respectfully submitted,

Cibola County Commissioners
700 E. Roosevelt Suite 50
Grants, NM 87020



(EXHIBIT A)
CIBOLA COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION Nº 18-28

A RESOLUTION AMENDING RESOLUTION NO. 17-28 AS TO PARAJE PRECINCT 24

WHEREAS, on July 27, 2017 the Cibola County Board of Commissioners designated polling places for the 2018 Primary and General Elections in accordance with NMSA 1978, Section 1-3-2 and 1-3-7 (2017) via " A Resolution Designating the Polling Places for the 2018 Primary and General Elections for Cibola County ";

WHEREAS, the polling place originally designated for Precinct 24, Paraje Recreation Hall, 29 Paraje Road, Paraje, NM 87007, is under renovation and unable to serve as a polling place for the Primary Election on June 5, 2018.

WHEREAS, the most convenient and suitable building that can be obtained to serve as a polling place in Precinct 24 for the Primary Election on June 5, 2018 is the "NEW" Paraje Recreation Hall, 31 Paraje Road Paraje, NM, Paraje, NM 87007;

WHEREAS, NMSA 1978 1-3-7(B) (2017) provides that "The Board of County Commissioners shall designate as the polling place or places, as the case may be, in each precinct, other than a mail ballot election precinct, the most convenient and suitable public building or public school building in the precinct that can be obtained."

WHEREAS, the Board of County Commissioners recognizes that in order to validly effect this change within four (4) months of an election, the District Court must issue an Order pursuant to NMSA 1978, Section 1-3-5 (2017).

NOW, THEREFORE, BE IT HEREBY RESOLVED that, pending order of the District Court, Cibola County hereby designates the new Paraje Recreation Hall, 31 Paraje Road, Paraje, NM 87007 as the polling place for Precinct 24 in Cibola County, New Mexico, for the Primary Election on June 5, 2018.

PASSED, APPROVED, AND ADOPTED THIS 13th DAY OF APRIL, 2018

CIBOLA BOARD OF COUNTY COMMISSIONERS

Robert Armijo, Chairman

Daniel Torrez, 1st Vice Chairman

Jack Molerres, 2nd Vice Chairman

Martha Garcia, Commissioner

Robert Windhorst, Commissioner

ATTEST:

Michelle E. Dominguez, Cibola County Clerk

Date: _____

SEAL

**STATE OF NEW MEXICO
COUNTY OF CIBOLA
THIRTEENTH JUDICIAL DISTRICT COURT**

**IN RE THE DESIGNATION AND
CHANGE OF POLLING PLACE FOR
CIBOLA COUNTY FROM PARAJE
RECREATION HALL PRECINCT 24 TO
THE NEW PARAJE RECREATION HALL,
PARAJE, NM 87007**

Case No. _____

ORDER APPROVING PETITION TO ALLOW CHANGE OF POLLING PLACE

THIS MATTER having come before the Court on the Cibola County Clerk's Petition to Allow Change of Polling Place and the Court being otherwise fully advised in premises FINDS as follows:

1. The polling place that was scheduled for Precinct 24 Paraje Recreation Hall, 29 Paraje Road, Paraje, NM 87007 is under renovation and cannot be used as a polling place for the upcoming Primary Election on June 5, 2018.
2. The most convenient and suitable building that can be obtained in Precinct 24 for the Primary Election is the New Paraje Recreation Hall, 31 Paraje Road, Paraje, NM 87007.
3. Paraje Recreation Hall was designated as the polling place for Precinct 24 for the upcoming Primary Election on June 5, 2018 by Resolution No. 17-28 (2017) of the Board of County Commissioners on July 27, 2017.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that:

1. The polling place for Precinct 24 shall be relocated from Paraje Recreation Hall, 29 Paraje Road, Paraje, NM 87007 to the New Paraje Recreation Hall, 31 Paraje Road, Paraje, NM 87007, for the upcoming Primary Election on June 5, 2018.
2. The Board of County Commissioners shall send a certified copy of this Order to the New Mexico Secretary of State and to the County Chairman of each of the major political parties as soon as practicable;

3. That the County Commission shall publish this Order once in a newspaper as provided in the Election Code under NMSA 1-3-8 and NMSA 1-1-14 (2017) as soon as practicable;
4. The County Clerk shall post this Order in a safe and conspicuous location in English and Spanish or any language as required at the prior polling location and at the new polling place;
5. The Cibola County Clerk shall post this Order in a prominent location in the community in English, Spanish, or any language as required; and
6. The Cibola County Clerk shall contact a local radio station and newspaper and inform them of this Order.

THE HONORABLE PEDRO RAEI
13TH JUDICIAL DISTRICT COURT



**CIBOLA COUNTY
BOARD OF COUNTY
COMMISSIONERS**

RESOLUTION No. 18-29

**OPPOSING U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) DECISION TO
PLACE THE SAN MATEO CREEK BASIN ON THE NATIONAL PRIORITIES LIST**

WHEREAS, the Cibola County Commission is the duly elected and governing body of the County of Cibola in the State of New Mexico;

WHEREAS, New Mexico is known to have some of the richest uranium resources in the nation in the "The Grants Mineral Belt;"

WHEREAS, during the forty-year period beginning in 1948, the Grants Mineral Belt produced more uranium than any other district in the country;

WHEREAS, New Mexico mined uranium between 1948 and 1971 for the sole benefit of the Atomic Energy Commission and the federal government's nuclear weapons program, and the federal government did not require that these early mines be reclaimed;

WHEREAS, in 1993, New Mexico initiated a reclamation requirement of certain mines, and the responsible companies completed reclamation to the standards in place at that time, though there are still abandoned mines that have not been reclaimed;

WHEREAS, to seemingly address the pending clean-up issues, the EPA has suddenly proposed listing the entire San Mateo Creek Basin on the Superfund National Priorities List without providing sufficient data to the Cibola County Commission to support such a proposal, and the County is concerned about the potential ramifications of such a proposed listing;

WHEREAS, the EPA was in the process of making a telephonic presentation to the Commission on January 25, 2018, when our connection was cut off, therefore we did not have the opportunity to thoroughly review the proposal;

WHEREAS, the former Acting County Manager submitted a letter of consent on January 8, 2018 to the New Mexico Environment Department before any pertinent information was provided to the Commission;

WHEREAS, the January 8 letter was also submitted without the knowledge of the Commission, and we hereby retract that letter, as it was submitted without the Commission's authorization;

WHEREAS, the Cibola County Commission would like to consider the potential of the return of the modern uranium mining industry to the Grants Mineral Belt, and the proposed listing also has the potential to negatively affect this activity before we have the opportunity to deliberate its future development;

WHEREAS, while the Cibola County Commission encourages the clean-up of unreclaimed mines located in the San Mateo Creek Basin, these issues have existed for over fifty years, and a rushed listing of the entire Basin may have unintended consequences and may not be the best solution for our community;

WHEREAS, the Cibola County Commission has collaborated with our neighboring governing bodies in the City of Grants and the Village of Milan on this matter;

NOW, THEREFORE, BE IT RESOLVED that the Cibola County Commission opposes EPA's proposal to consider the listing of the San Mateo Creek Basin at this time and respectfully requests that the EPA and the New Mexico Environment Department to consider other viable options, including working with known stakeholders, to achieve the mutual goal to address any potential risks to the health and environment of our community without proposing the entire Basin for listing.

APPROVED, ADOPTED, AND PASSED on this 26th day of April, 2018.

BOARD OF COUNTY COMMISSIONERS

Robert Armijo, Chairman

Daniel Torrez, 1st Vice Chairman

Jack Moleres, 2nd Vice Chairman

Robert Windhorst, Commissioner

Martha Garcia, Commissioner

ATTEST BY:

Michelle E. Dominguez, Cibola County Clerk