



## MCKINLEY COUNTY

February 21, 2017

Eric Jantz, Staff Attorney  
New Mexico Environmental Law Center  
1405 Luisa Street, Suite 5  
Santa Fe, New Mexico 87505

RE: Notice of Intent to Sue Letter received on February 15, 2017, by the Board of County Commissioners.

Dear Mr. Jantz,

This letter comes in response of your letter dated February 13, 2017 and received by the McKinley County Board of Commissioners on February 15, 2017. We did receive your letter in time to be able to place your threatened litigation on the agenda to be discussed in an executive session at the regular meeting of February 21<sup>st</sup>. This was done pursuant to the Open Meetings Act, NMSA §10-15-1(H)(7).

While McKinley County does not agree with your interpretations of the Open Meetings Act notice requirement(s); McKinley County cannot prove or deny that the allegation on the availability of the Agenda being placed on the County website 72 hours in advance of the January 3, meeting. Thus, having raised that issue, and considering the cost and risk of litigation pursuant to NMSA §10-15-3 of the Open Meetings Act, the McKinley County Commission will hold a special meeting to remedy the alleged violation of the Open Meetings Act. This special meeting will reconsider the issue surrounding the Ordinance for a Moratorium on Uranium Mining. This special meeting will take place on March 14, 2017, at 1:30 p.m. in the McKinley County Commission Chambers.

You on behalf of your clients (The Eastern Navajo Dine against Uranium Mining; and, The Red Water Pond Road Community Association) will be given express notice of this meeting. If you would rather us send the notice directly to them, we need you to send us their mailing address for this notice.

**BOARD OF COMMISSIONERS/ MANAGER'S OFFICE**

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So there will not be any confusion, this special meeting to remedy the allegations of violation of the Open Meetings Act, is scheduled for March 14, 2017 at 1:30 p.m. Please be aware that there will also be a regular meeting of the Board of County Commission held on the same day, March 14, 2017, at the regular time, 9:00 a.m.

The action of scheduling this special meeting to remedy the issues raised in your February 13<sup>th</sup> letter; and, by taking this action in open meeting by motion, is to follow the requirements of NMSA §10-15-3(B) of the Open Meetings Act.

Respectfully,

A handwritten signature in blue ink, appearing to read 'A. Dimas, Jr.', is positioned above the typed name.

Anthony Dimas, Jr., McKinley County Manager for  
McKinley County Board of Commissioners

cc. Carol Bowman-Muskett, Chairperson  
Genevieve Jackson, Commissioner  
Bill Lee, Commissioner