

OIL & GAS CONSERVATION COMMISSION
Meeting: September 16, 1988
Dr. Daniel J. Brennan, Exec. Director

NO MINUTES WERE TAKEN AT THE MEETING OF SEPTEMBER 16, 1988 OF THE OIL AND
GAS CONSERVATION COMMISSION.



Oil and Gas Conservation Commission

STATE OF ARIZONA

3110 N. 19th AVENUE, SUITE 190

PHOENIX, ARIZONA 85015

PHONE: (602) 255-5161

September 2, 1988

TO: OIL AND GAS COMMISSIONERS

Enclosed is a notice of a "meeting" to cover our visit to the Dineh-bi-Keyah oil field.

We have had a lot of discussions with the Attorney General's office regarding our plan to hold a meeting in Farmington. Because it is of doubtful legality, we really can't hold a business meeting in New Mexico. But because we will have a quorum of commissioners together, we have to put out the public notice we are sending today.

This means, since there is no business agenda, that we can't talk business on the trip.

I have made reservations for all at the Best Western Inn at Farmington for the night of September 15. The Inn is on the west side of the downtown area at 700 West Scott Avenue. Reservations are not guaranteed. If you will arrive late, please call (505) 327-5221 to save your room.

We plan to have dinner at K. B. Dillon's Restaurant in downtown Farmington. Each commissioner will have to pay for motel, meals and so forth personally. Reimbursement will be made from the regular expense forms. There seems to be no way I can pay it all. We also can't let the oil field people pay for anything to avoid the appearance of impropriety.

For those not familiar with the area, I am enclosing a regional map and one of Farmington with locations marked.

Please let the office know of your travel plans or needs, if any, as soon as possible.

Very truly yours,


Daniel J. Brennan
Executive Director

Enclosure



Oil and Gas Conservation Commission
STATE OF ARIZONA
3110 N. 19th AVENUE, SUITE 190
PHOENIX, ARIZONA 85015
PHONE: (602) 255-5161

NOTICE OF PUBLIC MEETING
OF THE
OIL AND GAS CONSERVATION COMMISSION

Pursuant to ARS 38-431.02 notice is hereby given to members of the Oil and Gas Conservation Commission and to the general public that the Oil and Gas Conservation Commission will hold a meeting open to the Public on September 15 and 16, 1988 in Farmington, New Mexico and at the Dineh-bi-Keyah Oil Field, Apache County, Arizona.

The agenda for the meeting is as follows:

1. Arrive in Farmington approximately 6:00 P.M. Mountain Daylight Time (5:00 P.M. Phoenix Time)
2. Dinner approximately 7:00 P.M. MDT at K. B. Dillon's Restaurant, 101 West Broadway, Farmington, N. M.
3. Recess for the evening at approximately 9:00 P.M.
4. Breakfast approximately 7:00 A.M. MDT in the Inn, 700 Scott Avenue, Farmington, N. M.
5. 8:30 A.M. MDT, depart for Dineh-bi-Keyah Oil Field, Arizona.
6. 10:00 A.M. MDT Arrive at Dineh-bi-Keyah and start tour of facilities.
7. 12:00 MDT Luncheon Break in the oil field office area.
8. 1:00 P.M. MDT Continue Tour.
9. 2:00 P.M. MDT Conclude Tour and depart for home.

The Commission does not anticipate engaging in business discussions at any point during its stay in Farmington or during its tour of the oil field. Nevertheless, the public is invited, at its own expense to join the Commission at dinner, breakfast, or on the tour of the oil field. Any person interested in participating should contact the Commission office, 3110 North 19th Avenue, Suite 190, Phoenix, Arizona, telephone (602) 255-5161 to insure that space will be made available to accommodate them. Individuals will have to provide their own transportation to and from Farmington and the Dineh-bi-Keyah Oil Field. Four-wheel drive vehicles are recommended for use in the actual tour of the oil field.

DATED THIS 2nd day of September 1988.

OIL AND GAS CONSERVATION COMMISSION


Daniel J. Brennan
Executive Director

IF YOU ARE UNABLE TO ATTEND THIS MEETING,
PLEASE NOTIFY THIS OFFICE AS SOON AS POSSIBLE.



Oil and Gas Conservation Commission

STATE OF ARIZONA

3110 N. 19th AVENUE, SUITE 190

PHOENIX, ARIZONA 85015

PHONE: (602) 255-5161

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DATED THIS 2nd day of September 1988.

OIL AND GAS CONSERVATION COMMISSION


Daniel J. Brennan
Executive Director

file w/ Notice

OFFICE OF THE ATTORNEY GENERAL

INTEROFFICE MEMORANDUM

August 24, 1988

TO: DAN BRENNAN
Executive Director
Oil and Gas Conservation Commission

FROM: SHELDON H. MULLER *SHM*
Assistant Attorney General

RE: September 15, 1988 Trip to Kerr-McGee Oil Facility

This is in response to your request for advice regarding the Commission's planned trip to the Kerr-McGee oil facility in Northern Arizona. As we discussed in previous telephone conversations, I wanted to present the Open Meeting Law issues raised by the trip to this office's Open Meeting Law Enforcement Team ("OMLET"), of which I am a member. OMLET met yesterday and we had an opportunity to discuss the issues that you and I outlined in our previous conversations.

With respect to the tour of the oil fields, OMLET felt that this should be considered to be a meeting of the Commission since a quorum of the Commission would be in attendance and the potential for discussing present or future business of the Commission would be present. Therefore, the tour itself should be noticed and provisions should be made for any interested individuals who wish to accompany the Commission on the tour. In order to accomplish this, it is advisable to notice the tour as far in advance as possible, including in the notice the means by which any interested individual can contact the Commission to arrange to accompany the Commission on the tour.

While you have informed me that the Commission no longer plans to meet with representatives of the Navajo tribe, should the Commission change its mind, such a meeting must be noticed and, again, provisions must be made to hold the meeting in a place accessible to the public. Members of the public must then be allowed to attend the meeting as in all other meetings of the Commission.

Regarding the planned dinner with representatives of Kerr-McGee, we advise that the Commission should purchase the dinners for the Commission members and employees. A.R.S. § 38-504.C provides that "[n]o public officer or employee may

Dan Brennan
August 24, 1988
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use or attempt to use his official position to secure any valuable thing or valuable benefit for himself that would not ordinarily accrue to him in the performance of his official duties, which thing or benefit is of such character as to manifest a substantial and improper influence upon him with respect to his duties." In order to avoid the potential violation of this statutory provision as well as to avoid any appearance of impropriety, the Commission should not permit Kerr-McGee to pay for its dinner in Farmington, New Mexico. If the Commission still wishes to have dinner with Kerr-McGee it may do so; however, the dinner should be noticed as a public meeting and therefore must be held at a restaurant that is open to the public so that anybody interested in attending may do so. In accordance with this advice regarding the planned dinner, we also advise that the Commission ascertain the value of the box lunches being provided by Kerr-McGee during the tour of its oil field and then reimburse Kerr-McGee for this cost.

I think it would be advisable, in preparing the notice for the trip to the oil fields, to treat the entire trip as a meeting of the Commission and set out an agenda describing where and when the Commission members will be together as a Commission so that members of the public can be in attendance during any of those gatherings. You may wish to specify in the notice those times when the Commission will be together but will not be discussing Commission business; e.g. breakfast.

If you have any questions regarding this advice, please feel free to call me at your convenience.

SHM/clp
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