

COUNTY OF MORA
BOARD OF COMMISSION
SPECIAL MEETING
JULY 12, 2018

1. CALL TO ORDER

Commissioner Garcia called the meeting to order at **4:08 p.m.**

2. PLEDGE OF ALLEGIANCE AND SALUTE TO THE FLAG OF THE STATE OF NEW MEXICO

All in attendance recited the Pledge of Allegiance and Saluted the Flag of the State of New Mexico

3. ROLL CALL

Commissioner Paula A. Garcia	-	Present
Commissioner George A. Trujillo	-	Present (via telephone)
Commissioner Alfonso J. Griego	-	Present

4. APPROVAL OF AGENDA

County Attorney, Michael Aragon requested Executive Session after item # 5 c. and at the end of the agenda.

Commissioner Griego **made a motion to approve as amended**. Commissioner Trujillo **second the motion. All in favor. Motion carried.**

5. DISCUSSION/REVIEW/ACTION-RESOLUTION-DORIS CASADOS, FINANCE DIRECTOR

a. 2230291 DWI D (Revenue)- \$1.00

Commissioner Griego **made a motion to approve as presented**. Commissioner Trujillo **second the motion. All in favor. Motion carried.**

b. 2230291 DWI-D- \$325.00

Commissioner Griego **made a motion to approve as presented**. Commissioner Trujillo **second the motion. All in favor. Motion carried.**

c. 5000510 Ambulance-\$2.00

Commissioner Griego **made a motion to approve as presented**. Commissioner Trujillo **second the motion. All in favor. Motion carried.**

6. EXECUTIVE SESSION

Commissioner Griego *made a motion to go into Executive Session*. Commissioner Trujillo *second the motion*.

The purpose of Executive Session is to discuss personnel matter and pending or threatening litigation.

All in favor on a roll call vote

Commissioner Paula A. Garcia	-	yes
Commissioner George A. Trujillo	-	yes
Commissioner Alfonso J. Griego	-	yes

Convene into Executive Session at 4:13 p.m.

Commissioner Griego *made a motion to reconvene into Regular Session*. Commissioner Trujillo *second the motion*.

No decisions were made only discussion on personnel matters.

All in favor on a roll call vote

Commissioner Paula A. Garcia	-	yes
Commissioner George A. Trujillo	-	yes (via telephone)
Commissioner Alfonso J. Griego	-	yes

Convene into Regular Session at 5:23 p.m.

7. DISCUSSION/REVIEW/ACTION-EXPENDITURE REPORT JUNE 2018-DORIS CASADOS, FINANCE DIRECTOR

Commissioner Griego *made a motion to TABLE the expenditure report*. Commissioner Trujillo *second the motion. All in favor. Motion carried.*

County Manager Elmer Martinez stated **FOR THE RECORD**, the notice to adopt the Oil & Gas Ordinance has been properly noticed. All requirements of publication were met. Prior to that they held a number of public meetings that were also properly noticed as part of the record. The process has been ongoing since February.

Dr. Robert H. Freilich introduced himself, Mr. Freilich stated he is the consultant that Mora County hired to help prepare the Oil & Gas Ordinance and to prepare and Oil & Gas element to the comprehensive land use plan.

Dr. Freilich gave a background, he stated, in 2014 Mora County proposed an Ordinance to block Oil & Gas drilling throughout the County as an absolute right under a theory of law they basically

said that the constitutional law of power to deal with land use was left to Mora County through the treaty of Hidalgo. That came to a Federal court on June 30, 2015 and was deemed unconstitutional because it conflicted with the States Oil & Gas Act, in doing so the court made some helpful findings. When the County came back and the Chairperson of the County Commission, Paula Garcia, contacted him, he put in a request for proposal that was approved to do a new Ordinance that wouldn't prohibit a request for the drilling of oil and gas but would require significant controls of what could be approved. Some of those controls were drawn from two other Ordinances, one that was adopted in Santa Fe County and a second one adopted in San Miguel County, several people from San Miguel County have attended meeting and made helpful remarks.

Essentially the Ordinance itself states that it amends the County Development Guidance System which is the equivalent to the Counties zoning Ordinance, this controls subdivision, building permits as well as conditional use permits, but it has no district zoning. It is all based on a performance zoning standard. A process of regulating oil and gas was added to the DGS and some zoning provisions that are applicable to oil and gas. The regulations are now compatible to the States Oil and Gas Act.

The Ordinance itself is really innovative, it does not allow any Oil & Gas permitting by right, in order to get a permit for Oil & Gas drilling. The first thing the applicant has to do is receive a State permit from the OCD then they have to apply for a floating zone, this is a zone for oil and gas development that does not map anywhere in the county, it is only allowed in the East part of Mora County. The Ordinance specifically describes why it wouldn't be appropriate to have any oil and gas drilling in the western portion of Mora County. The 2008 Geohydrological study shows that oil and gas are primarily located in the eastern areas of the County. This area is sparsely populated containing mostly agricultural and ranching uses.

The Ordinance is enacted to protect and promote the health, safety, environment and general welfare of present and future residents, businesses and the public of Mora County.

Dr. Freilich stated if you read it, it's a very complete Ordinance, he does not think that there is one in the Nation that is more complete.

8. PUBLIC COMMENT

Marian Shareen, resident of Santa Fe County, stated she owns property in Los Hueros in Mora County. Ms. Shareen stated she thinks the ordinance is absolutely incredible, she couldn't have done a better job herself. She is very impressed with what has been done, especially the zoning part, she also agrees that it is one of the most comprehensive ordinances she has ever read and she hopes it gets passed.

- Attorney Michael Aragon stated **FOR THE RECORD** Commissioner George Trujillo will be joining the meeting via telephone.

Dr. Bob Wesley, resident of San Miguel County, stated he has read through the draft Ordinance and would concur with the previous speaker, it was written well, he sent an email of eight comments to County Manager Martinez a few days ago, out of the eight he feels that there are

three that he hopes to ask Dr. Freilich to comment on. Numbers 2, 3 and 6. Dr. Wesley read comments 2, 3 and 6 from the email that was sent see attachment.

Lesley Hamel Turk, resident of San Miguel County spoke on behalf of herself and her husband Brad Turk. Lesley and Brad Turk worked alongside others on creating the San Miguel Oil & Gas Ordinance. Lesley stated that she is the person who connected Dr. Freilich with San Miguel County. She is a huge supporter of Dr. Freilich and his creativity. Mrs. Turk also provided comments (see attachment) as well as supporting information and stated they are only trying to add perspective and give their views of things, they are very supportive.

Dr. Freilich spoke on the comments, he stated in regards to Dr. Bob Wesley and his comments, Dr. Freilich stated he sent an email in response to those questions (see attachment) in regards to Lesley Turk, Dr. Freilich stated, he really thinks that the ordinance and the environmental requirements are so detailed, all of the things they share concerns about are covered in the application process. Dr. Freilich stated that he really believes that what is presented in the current ordinance is proper and is going to work. The ordinance can be amended later if there are any necessary changes.

9. DISCUSSION/REVIEW/ACTION-MORA COUNTY OIL & GAS ORDINANCE- PAULA GARCIA, CHAIR COUNTY COMMISSION, ROBERT FREILICH, ELMER J. MARTINEZ, COUNTY MANAGER

Commissioner Trujillo *made a motion to approve as presented*. Commissioner Griego *second the motion. All in favor. Motion carried. Commissioner Paula Garcia called for the motion.*

10. EXECUTIVE SESSION

No Executive Session

11. NEXT COUNTY COMMISSION MEETING

No discussion

12. SIGNING OF APPROVED DOCUMENTS

All documents that were approved were signed.

13. ADJOURNMENT

Commissioner Griego *made a motion to adjourn*. Commissioner Trujillo *second the motion. All in favor. Motion carried.*

Meeting adjourned at 6:41 p.m.

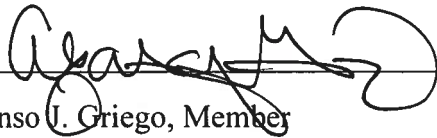
MORA COUNTY BOARD OF COUNTY COMMISSIONERS



Paula A. Garcia, Chairman



George A. Trujillo, Vice Chair



Alfonso J. Griego, Member

ATTEST:



Carlos J. Arellano

County Clerk



