

# COUNTY COMMISSIONERS

PAULA A. GARCIA  
CHAIR

GEORGE A. TRUJILLO  
VICE-CHAIRMAN

ALFONSO J. GRIEGO  
MEMBER



PO BOX 580  
MORA, NM 87732  
PHONE (575) 387-5279  
FAX (575) 387-9022

## THE BOARD OF COUNTY COMMISSIONERS OF MORA COUNTY

### ORDINANCE NO. 18-01

#### AN ORDINANCE DECLARING AN ADDITIONAL SIX-MONTH MORATORIUM ON APPLICATIONS TO DRILL AN OIL OR NATURAL GAS WELL

**WHEREAS**, the Mora County Commission enacted an Ordinance Declaring a Twelve Month Moratorium on Applications to Drill an Oil or Natural Gas Well on October 13, 2015 (*Ordinance NO: 2015-01A*); and

**WHEREAS**, the Mora County Commission enacted an Ordinance Declaring an additional Twelve Month Moratorium on Applications to Drill an Oil or Natural Gas Well on December 12, 2016 (*Ordinance NO: 2016-05*); and

**WHEREAS**, on or about October 11, 2017, the Mora County Commission retained the Law Firm of Freilich & Popowitz L.L.P. to provide advice, develop and prepare an oil and gas ordinance to regulate off-site impacts created by oil and gas drilling, production and distribution; and

**WHEREAS**, the Mora County Commission and the Law Firm of Freilich & Popowitz L.L.P have entered into a contractual relationship expressly stating that said oil and gas ordinance shall be presented to the Commission on or before the Mora County Board of Commissioners regularly scheduled meeting in May 2018; and

**WHEREAS**, the Mora County Commission has held several work sessions and several presentations regarding land use regulations for oil and gas exploration, development and production; and

**WHEREAS**, oil and gas corporations continue to take an interest in oil and gas development in Mora County; and

**WHEREAS**, Mora County has not fully developed specific provisions in current land use regulations regarding oil and gas exploration, development, and production; and

**WHEREAS**, it is imperative that Mora County be prepared with an appropriate set of local laws that address oil and gas development; and

**WHEREAS**, the County Commission desires to develop an appropriate comprehensive ordinance to address oil and gas development in Mora County to protect the health, safety, and welfare of the public; and

**WHEREAS**, County staff needs additional time to consult with environmental and oil and gas industry experts to develop an appropriate draft ordinance to address oil and gas development in Mora County; and

**WHEREAS**, County staff needs time to review oil and gas ordinances passed by other counties, including ordinances passed by San Miguel and Santa Fe Counties; and

**WHEREAS**, County staff needs time to develop a comprehensive draft ordinance according to concerns voiced by the current Commission and for public input which will require a public process before it is ready for public hearings and adoption; and

**WHEREAS**, County staff needs time to obtain funding for consulting experts, researching other counties' oil and gas ordinances, and receiving public input on oil and gas development in Mora County; and

**WHEREAS**, should an oil and gas operator file any applications before implementation of a county ordinance, confusion would result over how the pending applications should be processed; and

**WHEREAS**, it is critical to the health, safety, and welfare of the citizens of Mora County who will be impacted by oil and gas exploration and drilling that the process for adopting a new ordinance be allowed to run its course, without being affected by concerns over the effect of applications and with input and direction from the Commission on the County's current or future regulatory authority; and

**WHEREAS**, allowing an application or an ordinance to be processed or proposed under these circumstances could result in significant irreparable damage to the human and natural environment; and

**WHEREAS**, applications for oil and gas development should not be accepted or an ordinance adopted until the County's authority over oil and natural gas exploration, drilling, and production has been clarified by a new ordinance that reflects full public participation, consultation with environmental and oil and gas industry experts, and consideration by the Commission.

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MORA COUNTY:**

- A. An additional six (6) month moratorium on applications to drill an oil or natural gas well is hereby imposed. No application to drill an oil or natural gas well will be accepted or considered during this six (6) month period.

B. An ordinance that addresses oil and gas exploration, drilling, and production shall be presented to the Board of County Commissioners for consideration and adoption before the expiration of this moratorium.

C. It is necessary for the protection of the public health, safety, and welfare that this ordinance takes effect immediately upon recordation.

D. This ordinance will cease to be of effect six (6) months from the date of recordation.

**PASSED AND ENACTED THIS** 9th day of January 2018.

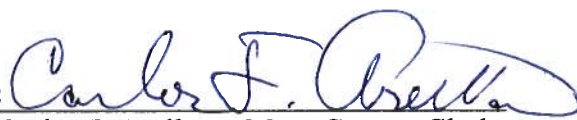
**THE BOARD OF COUNTY COMMISSIONERS OF MORA COUNTY, NEW MEXICO**

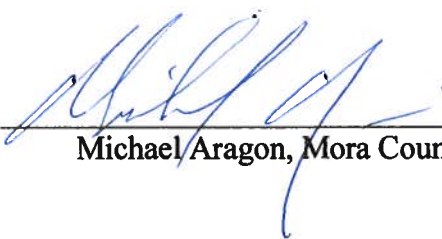
By:   
Paula Garcia, Chairwoman

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George Trujillo, Vice-Chairman

  
Alfonso Griego, Member



Attest:   
Carlos J. Arellano, Mora County Clerk

Approved as to Form and Sufficiency:   
Michael Aragon, Mora County Attorney