

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF
SAN MIGUEL COUNTY, NEW MEXICO

In the Matter of a Resolution Proposing an Ordinance Imposing and Extending For an Additional One-Year Moratorium on Approval of Conditional Use or Other Permits for Oil, Gas and Geothermal Drilling, Exploration and Extraction in San Miguel County, New Mexico.

RESOLUTION NO. 03-15-11-NATURAL RESOURCES

WHEREAS, the Board of County Commissioners of San Miguel County, New Mexico, adopted Ordinance No. 01-12-10-NATURAL RESOURCES, imposing a one-year moratorium on the approval of conditional use or other permits for oil, gas and geothermal drilling, exploration and extraction in San Miguel County, New Mexico; and

WHEREAS, the county oil and gas ordinance task force has not yet concluded their development and draft of an ordinance dealing with oil, gas and geothermal drilling, exploration and extraction in San Miguel County, notwithstanding, diligent and continuous work by said task force; and

WHEREAS, the Board of County Commissioners has determined that a thorough and deliberate study and review of the minimum requirements related to oil, gas and geothermal drilling, exploration and extraction will require additional time.

IT IS NOW, THEREFORE, RESOLVED AND DETERMINED, by the Board of County Commissioners of San Miguel County, New Mexico, that:

Section 1. A county ordinance imposing and extending a one-year moratorium on the approval of conditional use or other permits for oil, gas and geothermal drilling, exploration and extraction in San Miguel County, New Mexico be proposed and submitted for adoption by the Board of County Commissioners of San Miguel County.


Section 2. That said moratorium ordinance, attached hereto and made a part hereof as Exhibit "A", will protect and promote the public health and safety and advance the general welfare of the citizens of San Miguel County, in that during the proposed one-year moratorium extension period not conditional use permit for oil, gas and geothermal drilling, exploration and extraction can be approved.

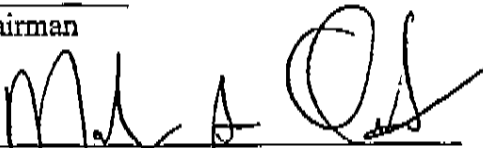
IT IS FUTHER RESOLVED AND DETERMINED, by the Board of County Commissioners of San Miguel County, New Mexico, that the County Manager be, and he is hereby directed to publish the title and general summary of the subject matter of the proposed moratorium ordinance, Exhibit "A" hereto, in a newspaper of general circulation within San Miguel County at least two weeks before the County Commission meeting and hearing at which said ordinance will be considered for adoption, as required

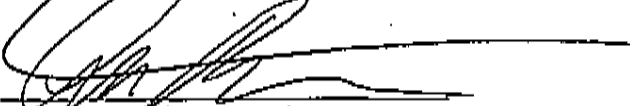
by law; and that the County Manager will do all things necessary and proper for the lawful passage, adoption and enactment of said ordinance as required by the notice and hearing provisions of Sections 4-37-7 and 10-15-1, *et seq.*, NMSA 1978 and as otherwise required by law.

MOVED, SECONDED AND ADOPTED, on this 15th day of March, 2011 by the BOARD OF COUNTY COMMISSIONERS OF SAN MIGUEL COUNTY, NEW MEXICO.

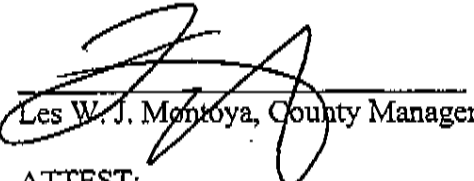

David R. Salazar, Chairman


Nicolas T. Leger, Vice-Chair

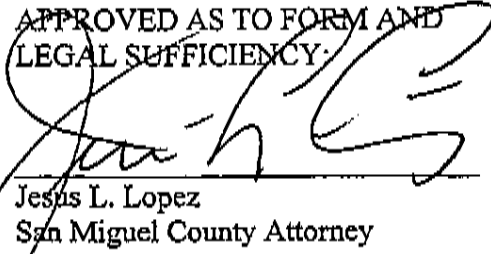

Marcellino A. Ortiz, Member


Arthur J. Padilla, Member


Ron R. Ortega, Member


Les W. J. Montoya, County Manager

ATTEST:

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Jesus L. Lopez
San Miguel County Attorney


Melanie Y. Rivera
San Miguel County Clerk

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SAN MIGUEL COUNTY, NEW MEXICO

ORDINANCE NO. SMC-04-12-11-NATURAL RESOURCES

IMPOSING AND EXTENDING AN ADDITIONAL ONE-YEAR MORATORIUM ON THE APPROVAL OF CONDITIONAL USE OR OTHER PERMITS FOR OIL, GAS AND GEOTHERMAL DRILLING, EXPLORATION AND EXTRACTION IN SAN MIGUEL COUNTY, NEW MEXICO; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of San Miguel County, New Mexico, has heretofore adopted Resolution No. 03-15-11-NATURAL RESOURCES, proposing the adoption and enactment of an ordinance imposing and extending a one-year moratorium on the approval of conditional use or other permits for oil, gas and geothermal drilling, exploration and extraction in San Miguel County; and

WHEREAS, this Ordinance is adopted and enacted pursuant to the power and authority of the Board of County Commissioners to protect and promote the public health and safety, and advance the general welfare of the citizens of San Miguel County, New Mexico, as more particularly set forth under Resolution No. 03-15-11-NATURAL RESOURCES, heretofore adopted by the Board and hereby made an integral part of this Ordinance as if set forth in full; now therefore be it

ORDAINED, by the Board of County Commissioners of San Miguel County, New Mexico, in public session after notice and hearing as required by law:

Section 1. A thorough and deliberate study and review of the minimum requirements related to oil, gas and geothermal drilling, exploration and extraction will require additional time.

Section 2. An additional one-year moratorium is hereby imposed and extended on the approval of conditional use permits or other permits for oil, gas and geothermal drilling, exploration and extraction in San Miguel County, New Mexico.

Section 3. This Ordinance shall become effective thirty (30) days after its filing in the office of the San Miguel County Clerk.

MOVED, SECONDED AND ADOPTED this ____ day of _____, 2011 by the BOARD OF COUNTY COMMISSIONERS OF SAN MIGUEL COUNTY, NEW MEXICO.

David R. Salazar, Chairman

EXHIBIT "A" TO RESOLUTION NO. 03-15-11-NATURAL RESOURCES

Nicolas T. Leger, Vice-Chair

Marcellino A. Ortiz, Member

Arthur J. Padilla, Member

Ron R. Ortega, Member

Les W. J. Montoya, County Manager

ATTEST:

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Melanie Y. Rivera
San Miguel County Clerk

Jesus L. Lopez
San Miguel County Attorney

COUNTY OF SAN MIGUEL)
STATE OF NEW MEXICO) ss

SAN MIGUEL COUNTY
PAGES: 4

I Hereby Certify That This Instrument Was Filed for
Record On The 16TH Day Of March, 2011 at 08:08:45 AM
And Was Duly Recorded as Instrument #201100946
Of The Records Of San Miguel

Witness My Hand And Seal Of Office
Melanie Y. Rivera
Deputy County Clerk, San Miguel, NM





DAVID R. SALAZAR
CHAIRMAN - DISTRICT 4

MARCELLINO A. ORTIZ
COMMISSIONER - DISTRICT 2

NICOLAS T. LEGER
COMMISSIONER - DISTRICT 5

Board of County Commissioners

JUNE J. GARCIA
VICE-CHAIR - DISTRICT 1

ALBERT J. PADILLA
COMMISSIONER - DISTRICT 3

LES MONTOYA
COUNTY MANAGER



BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF

SAN MIGUEL COUNTY, NEW MEXICO

ORDINANCE NO. 01-12-10-NATURAL RESOURCES

IMPOSING A ONE-YEAR MORATORIUM ON THE APPROVAL OF CONDITIONAL USE OR OTHER PERMITS FOR OIL, GAS AND GEOTHERMAL DRILLING, EXPLORATION AND EXTRACTION IN SAN MIGUEL COUNTY, NEW MEXICO; SUPERSEDING ANY RULE, REGULATION OR ORDINANCE PROVIDING THEREFOR; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Board of County Commissioners of San Miguel County, New Mexico, has heretofore adopted Resolution No. 12-08-09-NATURAL RESOURCES, proposing the adoption and enactment of an ordinance imposing a one-year moratorium on the approval of conditional use or other permits for oil, gas and geothermal drilling, exploration and extraction in San Miguel County; and

WHEREAS, this Ordinance is adopted and enacted pursuant to the power and authority of the Board of Commissioners to protect and promote the public health and safety, and advance the general welfare, of the citizens of San Miguel County, New Mexico, as more particularly set forth in Resolution No. 12-08-09-NATURAL RESOURCES, heretofore adopted by the Board and hereby made an integral part of this Ordinance, as if set forth in full; now, therefore, be it

SMC Ordinance No. 01-12-10-NATURAL RESOURCES

ORDAINED, by the Board of County Commissioners of San Miguel County, New Mexico, in public session after notice and hearing as required by law, that Section 7030 C(1) of San Miguel County Ordinance No. 86-2, adopted July 08, 1986, be, and the same is hereby, amended to provide as follows:

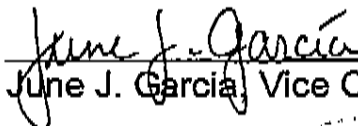
1. **Amendment.** The following new language is added to Section 7030 C (1), after **Director**, "except that for a period of one (01) year beginning with the effective date of this Amendment, applications for conditional use permits for oil, gas and geothermal drilling, exploration and extraction, as may be permitted under Section 5190 of this Ordinance, or otherwise, shall not be accepted nor considered for approval, and any rule, regulation or permission to the contrary as may be contained in Ordinance No. 86-2 is hereby expressly superseded."

2. **Effective Date.** The within and foregoing Amendment shall become effective thirty (30) days after the filing and recording of this Ordinance in the office of the San Miguel County Clerk.

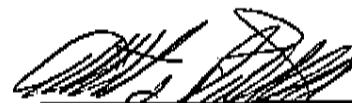
MOVED, SECONDED, ADOPTED AND ORDAINED this 12th day of January, 2010, by the Board of County Commissioners of San Miguel County, New Mexico, in public session after notice and hearing as required bylaw.



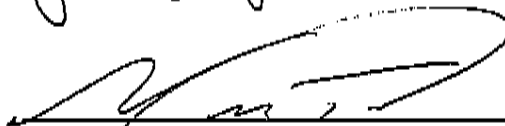
David R. Salazar, Chairman



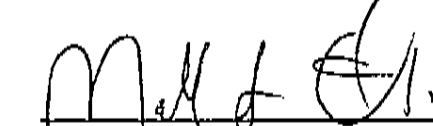
June J. Garcia, Vice Chair



Albert J. Padilla, Member



Nicolas T. Leger, Member



Marcellino A. Ortiz, Member

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SAN MIGUEL COUNTY, NEW MEXICO

ORDINANCE NO. SMC-05-08-12-NATURAL RESOURCES

IMPOSING AND EXTENDING AN EIGHT (8) MONTH MORATORIUM ON THE APPROVAL OF CONDITIONAL USE OR OTHER PERMITS FOR OIL, GAS AND GEOTHERMAL DRILLING, EXPLORATION AND EXTRACTION IN SAN MIGUEL COUNTY, NEW MEXICO; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of San Miguel County, New Mexico, has heretofore adopted Resolution No. 04-10-12-NATURAL RESOURCES, proposing the adoption and enactment of an ordinance imposing and extending an eight (8) month moratorium on the approval of conditional use or other permits for oil, gas and geothermal drilling, exploration and extraction in San Miguel County; and

WHEREAS, this Ordinance is adopted and enacted pursuant to the power and authority of the Board of County Commissioners to protect and promote the public health and safety, and advance the general welfare of the citizens of San Miguel County, New Mexico, as more particularly set forth under Resolution No. 04-10-12-NATURAL RESOURCES, heretofore adopted by the Board and hereby made an integral part of this Ordinance as if set forth in full; now therefore be it

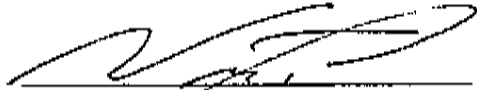
ORDAINED, by the Board of County Commissioners of San Miguel County, New Mexico, in public session after notice and hearing as required by law:


Section 1. A thorough and deliberate study and review of the minimum requirements related to oil, gas and geothermal drilling, exploration and extraction will require additional time.

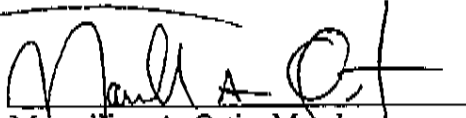
Section 2. An eight (8) month moratorium is hereby imposed and extended on the approval of conditional use permits or other permits for oil, gas and geothermal drilling, exploration and extraction in San Miguel County, New Mexico.

Section 3. This Ordinance shall become effective immediately upon its filing in the office of the San Miguel County Clerk, the Board of County Commissioners hereby finding and declaring an emergency in this matter, in that the moratorium heretofore imposed, and extended by this Ordinance will expire May 19, 2012, and its lapse would present an immediate danger to the public health, safety and welfare of the citizens of San Miguel County..


MOVED, SECONDED AND ADOPTED this 8th day of May, 2012 by the BOARD OF COUNTY COMMISSIONERS OF SAN MIGUEL COUNTY, NEW MEXICO.

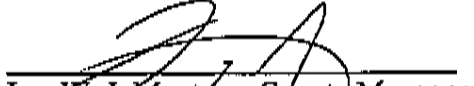

Nicolas T. Leger, Chairman


Ron R. Ortega, Vice-Chair


Marcellino A. Ortiz, Member



Arthur J. Padilla, Member

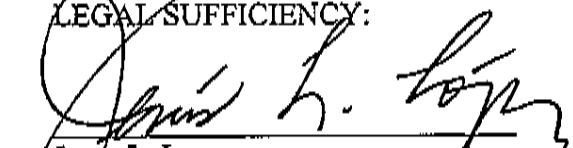

David R. Salazar, Member


Les W. J. Montoya, County Manager

ATTEST:

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


Melanie Y. Rivera
San Miguel County Clerk


Jesus L. Lopez
San Miguel County Attorney



COUNTY OF SAN MIGUEL)
STATE OF NEW MEXICO) ss
SAN MIGUEL COUNTY
PAGES: 2
I Hereby Certify That This Instrument Was Filed for
Record On The 9TH Day Of May, 2012 at 08:32:18 AM
And Was Duly Recorded as Instrument #201201699
Of The Records Of San Miguel

Witness My Hand And Seal Of Office
Melanie Y. Rivera
Deputy County Clerk, San Miguel, NM

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF
SAN MIGUEL COUNTY, NEW MEXICO

IN THE MATTER OF EXTENDING FOR AN ADDITIONAL EIGHT MONTHS AN
ORDINANCE IMPOSING A MORATORIUM ON APPROVAL OF CONDITIONAL USE
OR OTHER PERMITS FOR OIL, GAS AND GEOTHERMAL EXPLORATION,
DRILLING AND EXTRACTION IN SAN MIGUEL COUNTY, NEW MEXICO

RESOLUTION No. 02-12-13-P&Z, PROPOSING ADOPTION

AND ADOPTING

ORDINANCE NO. 02-12-13-OIL AND GAS MORATORIUM

WHEREAS, the Board of County Commissioners of San Miguel County, New Mexico, having heretofore determined that its existing ordinance relating to approval of conditional use or other permits for oil, gas and geothermal exploration, drilling and extraction, adopted in 1986, is outdated and wholly inadequate to protect the public health and safety, and promote the general welfare of the citizens of San Miguel County; and

WHEREAS, the Board of Commissioners having heretofore also determined that a new, comprehensive and reasonable ordinance relating to oil, gas and geothermal exploration, drilling and extraction in the county was needed, and that the same should be enacted only after a deliberative process to include robust public input, and collection of data and information, upon which the Board of Commissioners can make an informed and reasonable decision on the adoption of a new, comprehensive ordinance as aforesaid, and having heretofore also determined that only such a deliberative and informed process will adequately and reasonably protect the public health and safety, and promote the general welfare of the citizens of San Miguel County; and

WHEREAS, in furtherance of the matters noted hereinabove in this Resolution, on January 12, 2010, the Board of Commissioners adopted Ordinance No. 01-12-10-NATURAL RESOURCES, imposing a one-year moratorium on the approval of conditional use or other permits for oil, gas and geothermal exploration, drilling and extraction in San Miguel County, New Mexico, and on April 30, 2010, the Board of

Commissioners appointed a Task Force of citizens to undertake the formulation of a comprehensive ordinance relating thereto, in collaboration with county staff; and

WHEREAS, notwithstanding diligent work by its membership and county staff, the Task Force not having completed its undertaking before the expiration of the aforesaid one-year moratorium, on April 12, 2011, the Board of Commissioners adopted Ordinance No. 04-12-11, extending for an additional one year the aforesaid moratorium, thereby allowing the Task Force to continue its charge and undertaking to formulate a proposed ordinance relating to oil and gas exploration, drilling and extraction in the county; and

WHEREAS, the Board of Commissioners having thereafter determined that the work, undertakings and recommendations of the Task Force should be committed to County staff for its formulation of an ordinance relating to oil and gas exploration, drilling and extraction in the county, and that staff and the Board of Commissioners required additional time to formulate such an ordinance, taking into account the recommendations of the Task Force and of the public generally, after a series of public meetings and hearings to be held for the solicitation of additional public input and data; and

WHEREAS, for all the reasons noted hereinabove, on June 12, 2012, the Board of Commissioners adopted Ordinance No. 06-12-12-NATURAL RESOURCES, extending for an additional eight months the aforesaid moratorium on the approval of conditional use or other permits for the exploration, drilling and extraction of oil and gas in the county; and

WHEREAS, since the adoption of said Ordinance No. 06-12-12-NATURAL RESOURCES, the Board of Commissioners and county staff have worked diligently and expeditiously toward the development of a comprehensive ordinance, and have held and conducted several all-day public hearings, at which hundreds of citizens have offered public comment, information and data; and

WHEREAS, in furtherance of protecting the public health and safety and promoting the general welfare of the people of San Miguel County, and cognizant of the great and overriding public interest which this matter has generated, and for the purpose of formulating and ultimately enacting a lawful and comprehensive ordinance relating to the oil and gas exploration, drilling and extraction in the county, the Board of Commissioners heretofore retained the professional services of Robert H. Freilich, Freilich & Popowitz, for assistance in formulating the subject ordinance; and Freilich has worked diligently in undertaking his professional services, and has met with the Commission and staff, and with the public, and will continue to do so, and will collect data and information for the purpose of helping the Commission and county staff in drafting and enacting a lawful and comprehensive ordinance relating to the subject matter hereof; and

WHEREAS, the Board of Commissioners hereby finds, determines and concludes, that an additional eight months will be required by the county and its professional consultants, including Freilich & Popowitz, and others, to complete and conclude the drafting of a comprehensive ordinance relating to oil and gas exploration, drilling and extraction in the county, and that such additional term and period is necessary to protect the public health and safety and promote the general welfare of the citizens of San Miguel County; it is now, therefore,

RESOLVED AND DETERMINED, by the Board of County Commissioners of San Miguel County, New Mexico, that the County's ordinance imposing a moratorium on consideration or approval of any application for conditional use or other permits for oil, gas or geothermal exploration, drilling or extraction in San Miguel County, be extended for an additional eight months, after notice and hearing as required by Section 4-37-7 and Section 10-15-1, *et seq.*, NMSA 1978, as amended; and as otherwise required by law; and it is further,

RESOLVED AND DETERMINED, by the Board of County Commissioners of San Miguel County, New Mexico, that until said moratorium ordinance proposed herein comes on for adoption after notice and public hearing on March 12, 2013, as provided in the immediately preceding paragraph, the same be, and is hereby, adopted, approved and ordained below, as an emergency ordinance as permitted by Section 4-37-7C, NMSA 1978, the Board of Commissioners expressly finding that the existing moratorium ordinance will expire February 13, 2013, and that for all the reasons noted hereinabove in this Resolution, any lapse in said moratorium would constitute an emergency which could present an immediate danger to the public health, safety and welfare of the citizens of San Miguel County; it is now, therefore,

APPROVED, ADOPTED AND ORDAINED as follows, to wit:

Title: This Ordinance shall be known as the San Miguel County Oil and Gas Moratorium Ordinance, the full title of which is and shall be Ordinance No. SMC-02-12-13-OIL AND GAS MORATORIUM, imposing and extending for eight (08) months, a moratorium on the approval of conditional use or other permits for oil, gas and geothermal exploration, drilling and extraction in San Miguel County, New Mexico; declaring an emergency; and providing an effective date.

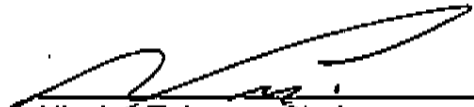
Section 1. For eight (08) months from the effective date hereof, San Miguel County shall not consider for approval, nor approve, any application for conditional use or other permit, license or permission, of whatsoever nature or kind, for oil, gas or geothermal exploration, drilling or extraction within San Miguel County, New Mexico.

Section 2. Any prior ordinance, resolution, rule or authority heretofore enacted by San Miguel County, New Mexico, contrary to the provisions of Section 1 hereinabove, inclusive of Ordinance 86-2, and amendments thereto, are expressly superseded and set aside by this Ordinance.

Section 3. This Ordinance is adopted pursuant to the power and authority of the Board of County Commissioners to protect the public health and safety, and promote the general welfare, of the citizens of San Miguel County, New Mexico, as more particularly set forth in concurrent Resolution No. 02-12-13-P&Z, proposing adoption of this Ordinance, which Resolution is incorporated in and made an integral part of this Ordinance.

Section 4. This Ordinance shall become effective immediately upon its adoption and filing in the office of the San Miguel County Clerk, the Board of Commissioners expressly finding that any lapse in the imposition of this Ordinance would constitute an emergency which could present an immediate danger to the public health, safety and welfare of the citizens of San Miguel County, New Mexico

MOVED, SECONDED, ADOPTED AND ORDAINED by the Board of County Commissioners of San Miguel County, New Mexico, in open public session, at its regular monthly meeting held this 12th day of February, 2013.



Nicolas T. Leger, Chairman



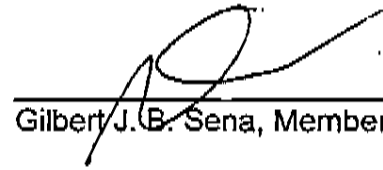
Ron R. Ortega, Vice Chairman



Marcellino A. Ortiz, Member

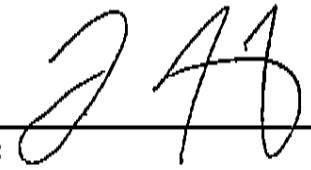


Arthur J. Padilla, Member



Gilbert J. B. Sena, Member

Submitted:



Les Montoya

San Miguel County Manager

Approved:

Jesus L. Lopez

Jesus L. Lopez
San Miguel County Attorney

Attest:

Melanie Y. Rivera

Melanie Y. Rivera
San Miguel County Clerk



COUNTY OF SAN MIGUEL)
STATE OF NEW MEXICO) ss

SAN MIGUEL COUNTY
PAGES: 5

I Heroby Certify That This Instrument Was Filed for
Record On The 12TH Day Of February, 2013 at 03:43:49 PM
And Was Duly Recorded as Instrument #201300543
Of The Records Of San Miguel

Melanie Y. Rivera

Witness My Hand And Seal Of Office
Melanie Y. Rivera
Deputy County Clerk, San Miguel, NM