

MINUTES – December 11, 2023
Special Hybrid Meeting

This Albuquerque-Bernalillo County Air Quality Control Board (“Board”) meeting was conducted in a hybrid format with both in-person and remote participation via Zoom video conference.

1. Call to Order

Chair Paul called the meeting to order at 9:05 am. Anita SdeArmijo, Board Liaison then called roll and the Chair determined a quorum was present.

Present: 5 – Dennis Armijo, Judy Calman, Elis Eberlein, Kitty Richards, Maxine Paul

Absent: 2 – Joseph Galewsky, Johnnye Lewis

2. Closed Session-Discussion of Litigation (Board and Board Attorney Only)

The Albuquerque-Bernalillo County Air Quality Control Board (AQCB) will go into Closed Session

Chair Paul requested a motion from the board to go into closed session, to be held with the board and Counsel Sedillo Lopez pursuant to section 10.15.1H7 of the Open Meetings Act. Chair Paul state that the topics that will be discussed would be to request to ratify her decision to authorize the board attorney to pursue litigation to protect the Board’s current rulemaking along with questions or discussion related to that topic. She will also have Counsel Sedillo Lopez update the board on the status of their application for a temporary restraining order and discuss protentional next steps in litigation.

Member Armijo moved to go into closed session, Member Calman seconded. The motion passed by the following vote:

For: 5 – Armijo, Calman, Eberlein, Richards, Paul

Against: 0 Abstain: 0 Absent: 2 – Galewsky, Lewis

The board then moved to a separate room for the closed meeting.

3. Chair Announcement of any decisions made in closed session.

After a little over 30 minutes the board came out of the closed meeting. Chair Paul stated that the board talked about whether to ratify her decision to authorize the board attorney to pursue litigation to protect the board’s current rulemaking along with a question and answer session.

She also stated that Counsel Sedillo Lopez updated the board on the status of the temporary restraining order and spoke about the next steps for litigation.

Chair Paul then opened the floor to any motions from the board such as ratifying her decision to authorize the board attorney to pursue litigation to protect the current rulemaking. Member Calman moved to ratify Chair Paul’s decision, Member Armijo seconded. The motion passed by the following vote:

For: 5 – Armijo, Calman, Eberlein, Richards, Paul
Against: 0 Abstain: 0 Absent: 2 – Galewsky, Lewis

Chair Paul suggested that another motion might be to give her and the Vice Chair the authority to make decisions in this litigation on behalf of the board going forward. Member Armijo moved to support this motion, Member Eberlein seconded. The motion passed by the following vote:

For: 5 – Armijo, Calman, Eberlein, Richards, Paul
Against: 0 Abstain: 0 Absent: 2 – Galewsky, Lewis

4. ADJOURNMENT

Chair Paul adjourned the meeting at 9:50 a.m.

SUBMITTED:

READ AND APPROVED:

Mr. Paul Rogers
Director
Environmental Health Department

Ms. Maxine Paul
Chair
Albuquerque-Bernalillo County Air Quality
Control Board