## CITY of ALBUQUERQUE TWENTY FIFTH COUNCIL

COUNCIL BILL NO. R-23-176 ENACTMENT NO. R-2023-071

SPONSORED BY: Dan Lewis

	1	RESOLUTION
	2 ESTABLISHII	NG A MORATORIUM FOR THE ALBUQUERQUE-BERNALILLO
	COUNTY AIR	QUALITY CONTROL BOARD TO ACT UNDER CHAPTER 9,
,	4 ARTICLE 5, F	PART 1 ROA 1994, THE JOINT AIR QUALITY CONTROL BOARD
	ORDINANCE	UNTIL FEBRUARY 1, 2024.
	6 WHEREAS	S, in R-2023-044 Council declared that Petition 2022-3 before the
,	7 Albuquerque	-Bernalillo County Air Quality Board ("Board") could be harmful
ļ	3 to the welfare	e of the City; and
!	WHEREAS	S, the City Council declares the proposed rules in the record for
_ 1	Petition 2022	-3 addresses quality of life impacts absent scientific evidence
≱ ig 1	I that there is a	a nexus to air pollution by identifying the quantities and durations
- New Deletion	2 of air contam	inants that may, with reasonable probability, cause injury,
· —	3 contrary to N	ew Mexico case law as held in <i>Southwest Organizing Project v.</i>
[Bracketed/Underscored Material] racketed/Strikethrough Material] - 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7	Albuquerque	-Bernalillo Cty. Air Quality Control Bd., 2021-NMCA-005; and
¥ 1!	WHEREAS	S, the City Council declares the proposed rules in the record for
01 th 10	Petition 2022	-3 purport to impact on industrial development by design and not
1. H	as a consequ	ence of preventing or abating air pollution, contrary to New
T T T	Mexico case	law as held in <i>Service Co. of New Mexico v. New Mexico</i>
}  }  }  }	Environment	al Imp. Bd., 89 N.M. 223, 549 P.2d 638 (Ct. App. 1976); and
<u>ta</u> <u>ke</u> 20		S, the City Council is considering making changes to Sections 9-
Brack Brack 2.	5-1-1 to -99 ar	nd needs time to carefully deliberate about further action; and
_ ± 22	WHEREAS	S, the intended purpose of the resolution is to advance the health,
23	safety and we	elfare of the public and to further goals and policies adopted by
24	the Council.	
25	BE IT RESOL	VED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
26	ALBUQUERQ	UE:

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1	SECTION 1. ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY
2	CONTROL BOARD. The Albuquerque-Bernalillo County Air Quality Board shall
3	have no authority to, and shall not make any regulation or standard to,
4	address quality of life impacts absent scientific evidence that there is a nexus
5	to air pollution by identifying the quantities and durations of air contaminants
6	that may, with reasonable probability, cause injury; or adopt or amend a
7	standard or regulation whereby the impact on industrial development is by
8	design and not a consequence of preventing or abating air pollution until
9	February 1, 2024.
0	SECTION 2. CITY OF ALBUQUERQUE. The City of Albuquerque shall not
1	use its resources to facilitate any action by the Board to make adopt or

use its resources to facilitate any action by the Board to make, adopt, or amend any regulation or standard described in Section 1 until February 1.

SECTION 3. The City is directed to collaborate with Bernalillo County to address any differences in City and County air quality policies.

SECTION 4. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word, or phrase of this resolution is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this resolution. The Council hereby declares that it would have passed this resolution and each section, paragraph, sentence, clause, word, or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

7	PASSED AND ADOPTED THIS 8" DAY OF November, 2023					
2	BY A VOTE OF:5 FOR4 AGAINST.					
3						
4	For: Bassan, Grout, Jones, Lewis, Sanchez					
5	Against: Benton, Davis, Fiebelkorn, Peña					
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9	V = 5					
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11	Pat Davis, President					
12	City Council					
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16	APPROVED THIS DAY OF, 2023					
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- Deletion - Deletion - 12	DW M - B 00 470					
<u>-</u> □ 19	Bill No. R-23-176					
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22 ★ 23	Timothy M. Keller, Mayon					
23 24 24	City of Albuquerque					
the local point of the local poi	The Mayor's veto was overridden by EC-23-403 on December 4, 2023					
D 15 26	by a vote of 7 FOR and 2 AGAINST. For: Bassan, Davis, Grout, Jone					
-Bracketed/Underson -Bracketed/Strikethrou	ATTEST: Lewis, Pena, Sanchez Against: Bentop, Fiebelkorn					
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型 <del>型</del> 29	Kachel Kodate for Ethan Watson					
30	Ethan Watson, City Clerk					
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