




CITY OF ALBUQUERQUE CITY COUNCIL

INTEROFFICE MEMORANDUM

TO: Ethan Watson, City Clerk

FROM: Julian Moya, Acting Director, Council Services 

SUBJECT: Rejection of R-23-128 Veto

DATE: June 2, 2023

Council Bill No. R-23-128, *Declaring A Position on Albuquerque-Bernalillo County Air Quality Control Board Petition 2022-3*, was adopted by the Council on May 1, 2023 by a vote of 5 FOR and 3 AGAINST:

For: Bassan, Grout, Jones, Lewis, Sanchez
Against: Benton, Davis, Fiebelkorn
Excused: Peña

The bill was presented to the Mayor's Office for approval or disapproval on May 9, 2023. Pursuant to the City Charter, the Mayor's ten-day deadline to transmit disapproval of the bill was May 19, 2023. On May 22, 2023, a veto memorandum disapproving of the bill was transmitted by the Mayor's Office to Council Services. Although the veto memorandum itself was dated May 18, 2023, it was not transmitted by the Mayor's Office until May 22, 2023, after thirteen days had passed.

Because the R-23-128 veto memorandum was not provided to the City Council within the ten-day deadline as required by the City Charter, the veto of R-23-128 is untimely and has been rejected by the Clerk of the Council.

The City Charter further provides that if the Mayor fails to approve or disapprove of an ordinance "within ten days after presentation it shall nevertheless be in full force and effect as if the Mayor had approved the same" therefore R-23-128 is adopted.

I have attached the resolution as adopted by the Council, signed by the Council President, a copy of the Mayor's untimely veto, and the Clerk of the Council's rejection memorandum. Please process the enactment as soon as possible.

CITY of ALBUQUERQUE

TWENTY FIFTH COUNCIL

COUNCIL BILL NO. R-23-128

ENACTMENT NO. R-2023-044

SPONSORED BY: Dan Lewis

RESOLUTION

DECLARING A POSITION ON ALBUQUERQUE-BERNALILLO COUNTY AIR
QUALITY CONTROL BOARD PETITION 2022-3.

WHEREAS, the Albuquerque-Bernalillo County Air Quality Control Board
(the "AQCB") is establishing a process to consider a citizen-initiated rule
making petition for Petition 2022-3; and

WHEREAS, this type of petition can carry significant consequences for the
community, not only in terms of promoting air quality, but also in terms of
balancing economic impacts, enforceability of air quality rules, and the
general integrity of the air quality permitting processes; and

WHEREAS, the petition, as submitted, did not proceed through any pre-
petition or stakeholder involvement process prior to its submission to, and
acceptance by the AQCB; and

WHEREAS, a pre-petition process would have provided opportunities for
the public to comment through public listening sessions, public meetings,
gathering of written comments and the opportunity for corresponding
revisions; and

WHEREAS, the petition includes unprecedented, mandatory denials of air-
quality permits under circumstances that do not appear clearly defined and
such a process could result in significant harm to the welfare of the City and
our region due to its overbreadth; and

WHEREAS, the City's air quality program has identified that it's unclear
how the proposed rule would fit in with existing air quality permitting rules
and process, and includes ambiguities that may render it unenforceable.

1 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
2 ALBUQUERQUE:

3 Section 1. The City declares that Petition 2022-3 could be harmful to the
4 welfare of the City due to the lack of stakeholder involvement that went into its
5 submission and acceptance by the AQCB, and due to its potentially broad
6 impacts on the availability of air quality permits based on unclear standards.
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1 PASSED AND ADOPTED THIS 1st DAY OF May, 2023
2 BY A VOTE OF: 5 FOR 3 AGAINST.

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4 For: Bassan, Grout, Jones, Lewis, Sanchez

5 Against: Benton, Davis, Fiebelkorn

6 Excused: Peña
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11 Pat Davis, President

12 City Council
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16 APPROVED THIS 18 DAY OF May, 2023
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19 Bill No. R-23-128

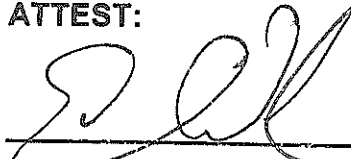
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21 The veto memorandum
22 was not provided to
23 the City Council
24 within

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26 Timothy M. Keller, Mayor
27 City of Albuquerque

28 the ten-day deadline as required by the City Charter, the veto of
29 R-23-128 was untimely and therefore rejected.
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31 ATTEST:

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33 Ethan Watson, City Clerk
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