

MINUTES – January 8, 2025

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

1. CALL TO ORDER

Chair Galewsky called the meeting to order at 5:34 p.m. He then introduced Nancy Montañó a new board member who said a few words on why she wanted to be on the board.

Board Liaison Anita SdeArmijo called roll and the chair determined a quorum was present. Member Calman attended virtually.

Present: 6 – Judy Calman, Jane Cudney-Black, Thomas De Pree, Joseph Galewsky, Nancy Montañó, Kitty Richards

Absent: 1 – Dennis Armijo

Air Program Administrator Catalina Lehner gave the Zoom overview.

2. CONSENT AGENDA *(Items may be removed at the request of any Board Member)*

A. Approval of the December 10, 2024 Meeting Agenda

B. Approval of the November 13, 2024

Chair Galewsky asked if there were any objections to the consent agenda. After a brief discussion Member Cudney-Black moved to approve the consent agenda as described. Member De Pree seconded. The motion passed by the following vote:

For: 6 – Calman, Cudney-Black, De Pree, Montañó, Galewsky, Richards
Against: 0 Abstain: 0 Absent: 1- Armijo

3. DISCUSSION & ACTION ITEMS

A. Updates and possible action regarding selection of new Board attorney.

Chair Galewsky stated that interviews were held in the last week and Member Richards provided a summary of how the process went. She said that the committee would like to recommended Jane Yee as the next board attorney.

Ms. Yee gave a brief summary of her credentials and past experience. After a brief discussion, Member Richards moved to nominate Ms. Yee and request that the city work with her to retain Ms. Yee as council for the AQCB. Member Montañó seconded and the motion passed by the following vote:

For: 6 – Calman, Cudney-Black, De Pree, Montañó, Galewsky, Richards
Against: 0 Abstain: 0 Absent: 1- Armijo

- B. The Board will consider whether or not to go into closed session with the Board Attorney to discuss i) pending litigation: AQCB and BCC of Bernalillo County vs. CoA (202-CV-2-23-09295) and GCC Rio Grande et al vs AQCB and CoA (D-202-CV-2023-09435), and ii) appeals of Clean Cars II regulations and the HEEI regulation.
- The board will discuss, make a motion with reasonable specificity, and vote whether or not to go into closed session, following procedures outlined in Section 10-15-1 (I) of the OMA. Exceptions to open meetings are outlined in Section 10-15-1 (H).

Member Richards moved to go into closed session to discuss the litigation. Board attorney Sedillo Lopez and Member De Pree brought up a concern regarding whether Ms. Yee should attend the closed session as she is not under contract yet. Ms. Lehner encouraged the Board to follow their standard protocol regarding closed sessions.

Vice Chair Calman seconded. The motion tied by the following vote:

For: 3 – Calman, Galewsky, Richards Against: 0
Abstain: 3- Cudney-Black, De Pree, Montañño Absent: 1- Armijo

- If there is a closed session, the Board will announce what was discussed and will make any motions based on the closed session discussion. *Topics discussed during a closed session are limited to those expressly excepted from the open meeting requirements.*

Since the Board did not go into closed session due tot the tie vote, Chair Galewsky asked if board attorney Sedillo Lopez could give any kind of summary regarding the litigation. She stated that she had send memos to the board members with the list of cases. She also sent some time trying to send Member Montañño materials regarding the litigation and trying to determine if she had a conflict of interest.

After a while Ms. Sedillo Lopez asked Member Montañño if she had any familial or financial relationships to her knowledge with anyone involved in the multiple cases involving the Board. Member Montañño replied that she did not.

After a brief discussion which included city attorney Bryan Rowland, Ms. Sedillo Lopez received permission to send the litigation materials to Ms. Yee.

4. **PUBLIC COMMENT**

No comments

5. **OTHER BUSINESS**

Ms. Sedillo Lopez gave a presentation on the topic of the Board’s authority and answered questions from the board.

Possible Future Agenda Items

- Update on OBA map
- Presentation from NASA on Tempo
- Presentation on AQP planning efforts

6. **ADJOURNMENT**

Chair Galewsky adjourned the meeting at 7:10 p.m.

NEXT SCHEDULED BOARD MEETING: January 8, 2025 at 5:30 p.m.

SUBMITTED:

Paul J. Rogers, Director
Environmental Health Department

READ AND APPROVED:

Mr. Joseph Galewsky, Chair
Albuquerque-Bernalillo County Air Quality
Control Board