

MINUTES – March 30, 2023
Virtual Special Meeting

This meeting was held via Zoom video conference.

1. CALL TO ORDER

Chair Meiklejohn called the meeting to order at 5:36pm. Anita SdeArmijo called the roll.

Present 6 – Judy Calman, Elis Eberlein, Johnnye Lewis, Lauren Meiklejohn, Maxine Paul, Kitty Richards

Before taking up the consent agenda, Chair Meiklejohn announced the receipt of two filings in the pending rulemaking requesting that the Board vacate the meeting and said the Board should address them before proceeding. At the Chair’s request, Pete Domenici, Stan Harris, and Louis Rose announced their presence on behalf of Albuquerque Asphalt, NTESS, and GCC et al., respectively. Mr. Harris then argued in support of NTESS’ motion to vacate the meeting. Mr. Harris’ arguments were joined by Mr. Rose and Mr. Domenici. Tim Adler, counsel for EHD, then argued in support of EHD’s objection to the meeting. Finally, Antoinette Sedillo Lopez, counsel for the Board, and Eric Jantz, counsel for the Mountain View Coalition, responded to the arguments presented by Mr. Harris and Mr. Adler.

Following discussion by the Board, Vice Chair Paul moved to proceed with the meeting. Chair Meiklejohn seconded. The motion passed by the following vote:

For: 6 – Calman, Eberlein, Lewis, Meiklejohn, Paul, Richards

Following the vote, Chair Meiklejohn asked Ms. Sedillo Lopez to prepare an order memorializing the Board’s action.

2. CONSENT AGENDA

a. Approval of the March 30, 2023 meeting agenda

Chair Meiklejohn stated that she wanted to switch the order of items 3.c and 3.d on the agenda and hear public comment before discussing the delegation of authority to the hearing officer. Vice Chair Paul moved to approve the agenda with the proposed switch. Member Lewis seconded. The motion passed by the following vote:

For: 6 - Calman, Eberlein, Lewis, Meiklejohn, Paul, Richards

3. REPORTS/DISCUSSION/ACTION ITEMS

a. Selection of Hearing Officer for the Upcoming Health, Environmental and Equity Impacts Rulemaking Hearing (Board)

Chair Meiklejohn stated that she and Vice Chair Paul had interviewed hearing officer candidates, including individuals who are already on contract with the City and individuals suggested by the parties, and vetted them for potential conflicts of interest. Vice Chair Paul then indicated that they had chosen Mr. Richard Virtue from the pool of candidates and moved to select him as the hearing officer.

Member Calman seconded after a brief discussion. The motion passed by the following vote:

For: 6 - Calman, Eberlein, Lewis, Meiklejohn, Paul, Richards

Following the vote, Chair Meiklejohn asked Ms. Sedillo Lopez to prepare an order designating the hearing officer and providing his contact information, and to ensure that the order is served on all the parties and filed in the record of the proceedings. She then asked Ms. SdeArmijo to ensure whatever is necessary for the hearing officer so the Board can continue its work in a timely manner.

b. Discussion of Logistics of Rulemaking Proceeding (Board)

Chair Meiklejohn opened the floor for discussion of logistics. Board members discussed the number of days needed to conduct the hearing and whether they should be consecutive or spread out over the course of a month. Mr. Adler, Mr. Domenici and Mr. Rose provided comments on behalf of the parties. During the discussion, Chair Meiklejohn asked Board members to provide dates that they are unavailable over the next six months to the liaison, and directed the liaison to request the same information from the parties

d. Public Comment to Allow the Parties and Members of the Public to Comment on both the Pre-Hearing and Hearing Processes

The Board heard comments on the pre-hearing process, including whether pre-hearing conferences/negotiations should be on or off the record, from the parties and the public. Mr. Domenici, Mr. Jantz, Mr. Adler, and Mr. Rose provided comments on behalf of the parties. Matt Cross-Guillen and Sophia Martinez gave public comment.

Member Lewis left the meeting at 6:43 pm due to illness.

c. Discussion of Delegation of Authority to Hearing Officer (Board)

Chair Meiklejohn read the various measures the hearing officer has authority to take for the maintenance of order and for the efficient, fair and impartial consideration of issues, pursuant to 20.11.82.11 NMAC. She then opened the floor for discussion of which measures members wanted to delegate to the hearing officer and which ones they wanted to reserve for the Board.

e. Wrap-Up and Finalize Discussion of Logistics and Delegation of Authority to Hearing Officer (Board)

Chair Meiklejohn asked Ms. Sedillo Lopez to prepare a draft order delegating authority to the hearing officer based on member's comments for discussion at the next meeting, and asked Ms.

SdeArmijo to ensure that discussion and possible action on the draft order is on the next agenda. She also asked EHD to engage Mr. Virtue to serve as the hearing officer for the rulemaking and requested an update at the next meeting.

4. OTHER BUSINESS

No other business was discussed.

5. ADJOURNMENT

Chair Meiklejohn adjourned the meeting at 7:37 p.m.

NEXT SCHEDULED BOARD MEETING: April 12, 2023 at 5:30 p.m.

SUBMITTED:

READ AND APPROVED:

Mr. Angel Martinez Jr.
Director
Environmental Health Department

Ms. Lauren Meiklejohn
Chair
Albuquerque-Bernalillo County Air Quality
Control Board