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City Council overrides vetoes on air board bills



Pictured is the Albuquerque skyline. The Albuquerque City Council overrode two mayoral vetoes on Dec. 4.

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By [Drew Goretzka](#) – Economic Development Reporter , Albuquerque Business First
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The Albuquerque City Council overrode two mayoral vetoes Monday night, effectively placing a moratorium on the Albuquerque-Bernalillo County Air Quality Control Board and repealing the ordinance forming it in the first place.

Monday night serves as a milestone in an ongoing saga of controversy surrounding the AQCB, which was sparked in November 2022 over a proposal introduced by the Mountain View Coalition, a collection of neighborhood organizations in the South Valley. The rule would put new restrictions on air permits issued in “overburdened communities,” or those with higher levels of pollution than the country average among other metrics.

Politicians like Councilor Dan Lewis, who introduced the two bills that were vetoed, and business leaders have labeled the rule as radical and destructive to economic development. Activists have claimed the rule is necessary to protect those in disproportionately polluted areas in the county, such as the South Valley.

Tensions were high in the basement of City Hall going into Monday evening, as a lengthy list of public commenters on both sides of the issue filed into their seats.

Rhiannon Samuel, executive director of the National Association of Industrial Office Properties (NAIOP) New Mexico, said the shareholder talks she had been a part of were slanted against the business community.

“At every point, at every committee meeting that I have been to, I have been called a polluter, I have been told directly that I have given cancer to their children,” Samuel told the Council. “At every turn during this process, it has not been this open environment where they have heard other points. We’re always negotiating at a disadvantage.”

Rosemary Blanchard, a supporter of the Mountain View proposal, said she believed the decision should be left with the AQCB as the law had previously outlined.

“They will use their expertise and the evidence presented to them to determine what regulation to finally adopt,” Blanchard said. “This is how the system is supposed to work.”

Around 8:20 p.m., the veto on R-23-176, the moratorium, was overridden in a 7-2 vote, with Councilors Lewis, Brook Bassan, Trudy Jones, Renée Grout, Louie Sanchez, Klarissa Peña and Pat Davis voting in favor and Councilors Isaac Benton and Tammy Fiebelkorn voting against.

The veto on O-23-88, the ordinance that repeals the current city ordinance forming the board and replaces it, was overridden in a 6-3 vote that included Councilor Davis flipping sides.

What will come next is unclear. City Attorney Lauren Keefe said during discussion before the vote that each bill has a different timeline.

For O-23-88, Keefe said it would not be published until Friday, Dec. 15, and then would be followed by a five-day period – meaning the ordinance would not go into effect, at the earliest, until the week of Dec. 18.

R-23-176 is a bit more ambiguous, as the city's charter is not specific on the timing of the enactment process, according to Keefe.

"I think this is one of the many questions that have been raised in this regard that we just don't know an answer to," Keefe told the Council.

Keefe said under normal procedure, the process to enact an approved resolution usually takes a "day or two." She added the city clerk, who is responsible for enacting approved resolutions, is out for the rest of the week.

Another city representative said the state legislature may have authority to enact the resolution immediately, but that there was "no definitive answer as to what a court would rule."

The timing of the two bills being enacted is important, as the AQCB is currently in the midst of a five-day hearing to consider the Mountain View proposal that is set to end Friday. It is uncertain if O-23-88 or R-23-176 will be enacted before a decision is made on the rule.

In addition to overriding the vetoes, the Council also passed R-23-198, a resolution to establish a working group between the City of Albuquerque and Bernalillo County to recommend improvements to AQCB. The bill passed 7-2, with Councilors Fiebelkorn and Bassan voting against it.

Bernalillo County District 2 Commissioner Steven Michael Quezada, who represents the Mountain View neighborhood, said in a statement he hopes the two bodies will work together effectively.

"I am hoping with the City Council's override of Mayor Keller's veto of legislation concerning the Joint Air Quality Control Board, that both the City and County can work together to make productive reforms to the board that represent all the voices of our diverse community," Quezada said in the statement.