

## **B 004 99**

### **EXECUTIVE ORDER**

#### **Recreating and Streamlining the Regional Air Quality Council**

Pursuant to the authority vested in the Office of the Governor of the State of Colorado, I, Bill Owens, Governor of the State of Colorado, hereby issue this Executive Order recreating and streamlining the Regional Air Quality Council.

##### 1. Background and Purpose.

The quality of life in the Denver Metropolitan Area and in the State of Colorado is significantly affected by air quality. Numerous factors have contributed to improved air quality in the Denver Metropolitan Area, including the adoption of new technologies, local action and involvement in air quality planning and compliance, community initiatives and private sector involvement.

Despite these improvements, continued efforts to protect Colorado's health and well-being are needed. Carbon monoxide, ozone, and suspended fine particulate matter negatively impact public health, visibility, and the economy of the region. The continued improvement of air quality in the Denver Metropolitan Area and other communities along the Front Range requires a focused effort involving community and private sector initiative.

The organization previously designated to coordinate a regional response to air quality issues, the Regional Air Quality Council, as defined under Executive Orders No. B001 95 and B0011 97, may be strengthened in its mission by streamlining its large size. The citizens of the State of Colorado and the Denver Metropolitan Area are entitled to a lead agency for air quality planning that fulfills its statutory obligations in a timely, efficient and effective manner.

The Regional Air Quality Council has the potential to be an important component in the State of Colorado's strategy to improve and coordinate its air quality initiatives. As the Denver Area's lead agency for air quality planning it plays the core role in the preparation of state implementation plans for this region's compliance with federal air quality standards.

The Governor of the State of Colorado, is authorized pursuant to section 174(a) of the 1990 amendments to the Clean Air Act, 42 U.S.C. section 7504 (1982), to designate a lead agency for air quality planning with the responsibility to prepare state implementation plans for the region's compliance with federal standards.

NOW THEREFORE, I Bill Owens, Governor of Colorado, by the virtue of the authority vested in me under the laws of Colorado and under federal law, DO HEREBY ORDER THAT:

2. Council Retained.

The Regional Air Quality Council (“Council”) is hereby retained as the lead air quality planning agency for the Denver Metropolitan Area in its status as a non-profit Colorado corporation. The Council shall perform only those duties and functions specifically designated in this executive order.

3. Mission.

The mission of the Regional Air Quality Council is to develop effective and cost efficient air quality planning initiatives with the input of local governments, the private sector, stakeholder groups, and citizens in the Denver Metropolitan Region. Its primary task is to prepare state implementation plans for compliance with federal air quality standards. Additional responsibilities of the Regional Air Quality Council are detailed in this Executive Order.

4. Duties and Powers.

The Council shall have the following duties and powers:

- A. The Council shall serve as the lead agency for developing plans for implementation, maintenance and enforcement of ambient air quality standards within the Denver Metropolitan Air quality region, pursuant to 42 U.S.C. 7504.
- B. The Council shall develop and recommend, with participation and input from local governments and other appropriate agencies and jurisdictions, plans consistent with the requirements of the federal Clean Air Act.
- C. The Council shall work with the Colorado Department of Public Health and Environment (CDPHE) and appropriate agencies to develop a unified work plan for air quality planning and related programs.
- D. The Council shall be responsible for developing and administering public education programs regarding air quality and air pollution control and prevention in the Denver Metropolitan Area. Council material shall include discussion on the costs and benefits of different approaches to air quality issues.

Executive Order

Recreating and Streamlining the Regional Air Quality Council

March \_\_, 1999

Page 3

D. The Council shall serve as an educational resource on regional air quality issues to the elected city and county officials in the Denver Metropolitan Area.

E. The Council shall have party status in rule-making proceedings where appropriate and consistent with the rule and procedures of the regulatory body involved in the proceeding.

F. In addition to its obligations to submit plans to the appropriate entities under the Clean Air Act, the Council shall submit copies of all plans, studies and other major products to the Governor, the Air Pollution Control Division of the Colorado Department of Health and Environment, the U.S Environmental Protection Agency, Region 8, and any regional planning groups engaged in transportation or other related planning efforts.

5. Membership and Organization.

The Council shall consist of no more than nine members to be appointed as follows:

A. The Governor shall appoint 4 citizen members from the Denver Metropolitan Area to the Council. These citizen members shall be selected on the basis of their knowledge of and interest in air quality and related issues.

B. The Governor shall appoint 2 locally elected officials from the Denver Metropolitan Area to serve as representatives of local government.

C. The Governor shall appoint one locally elected official from the Denver Metropolitan Area who is also a member of the board of directors of the metropolitan planning organization as designated under 23 U.S.C. 134 – currently the Denver Regional Council of Governments – to serve as a representative of both local government and the metropolitan planning organization.

D. The Governor shall appoint the executive director of the state agency responsible for air quality planning – currently the Colorado Department of Health and Environment.

E. The Governor shall appoint the executive director of the state agency responsible for transportation – currently the Colorado Department of Transportation.

F. All appointees shall serve at the pleasure of the Governor.

G. Council members may not designate alternates to serve in their place on the Council or to vote on issues before the Council.

H. The Governor shall appoint one member of the Council to serve as chair of the Council. The chair shall serve at the pleasure of the Governor.

6. Staffing and Resources.

A. The Council shall have the power to retain an executive director, staff and consultants; enter into contracts; receive and expend funds; purchase goods and services; lease space; and perform all the requisite management and administrative functions.

B. A simple majority vote of the Council is sufficient to determine the recruitment, hiring, termination and evaluation of the executive director, staff and consultants of the Council.

C. The Council shall rely on the Colorado Department of Public Health and Environment's air pollution control division and other divisions as its primary source of technical expertise, but may upon a simple majority vote contract with other vendors for additional technical data to assist it in its air quality planning mission.

D. The Council shall adopt its own by-laws, consistent with the terms of this executive order. The Council shall adopt a meeting schedule that facilitates its work. The Council shall keep a record of its proceedings, which shall be open to public inspections. No final policy decision of formal action and no action approving a contract calling for payment of money shall be adopted or approved at any executive session. The Council shall conduct its meetings pursuant to The Colorado Sunshine Law, C.R.S. §§24-6-401, 24-6-402.

E. The Council may operate in adjunct subcommittees, working groups, or such other arrangements as may be useful for efficient and effective functioning. However, final policy actions must be approved by the Council as a whole.

F. A quorum shall consist of seven Council members, and the council shall act by resolution approved by at least five of the voting members of the Council at any Council meeting.

G. The selection and employment of staff for the Council shall be in accordance with this executive order. Staff to the Council shall work closely with the staff of state air quality and transportation planning agencies to coordinate air quality planning with regional and transportation planning.

7. Streamlining.

A. The Council shall identify and eliminate any current functions of the Regional Air Quality Council that are beyond the scope of this executive order. Specifically, the Council is ordered to review all subcommittees, work groups and other formal or informal Council arrangements and abolish those which expand the Council's mission as outlined in this executive order. The Council may make recommendations to the Governor on creating new citizen and expert subcommittees that would assist the Council in its mission.

B. The Corporate Alliance for Clean Air, a subcommittee of the Council as designated by Executive Orders No. B001 95 and B0011 97, is hereby abolished.

C. The Blue Ribbon Panel on Mobile Sources, a subcommittee of the Council as designated by Executive Order No. XXXX 98, is hereby abolished.

D. The Air Quality Coordination Group, a subcommittee of the Council as designated by Executive Orders No. B001 95 and B0011 97, is hereby abolished.

8. Past Executive Orders Superseded and Replaced.

This executive order shall repeal and supersede all previous executive orders pertaining to the Metropolitan Air Quality Council, the Regional Air Quality Council, and specifically Executive Orders No. B012 93 Creating the Regional Air Quality Council, B0001 95 Recreating the Regional Air Quality Commission and Defining its Relationship with the Corporate Alliance for Better Air, and B011 97 Extending the Existence of the Regional Air Quality Council and the Corporate Alliance for Better Air, and XXX 98 Blue Ribbon Panel on Mobile Sources.

9. Duration.

The Council shall continue in existence until Dec. 31, 2002, unless upon review by executive order of the Governor its existence is either terminated or extended beyond that date.

GIVEN under my hand and the  
Executive Seal of the State of  
Colorado, this \_\_ Day of  
March, 1999.

Bill Owens  
Governor

