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EXECUTIVE ORDER

Recreating 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 State of Colorado, and in particular the Denver Metropolitan Area, has experienced a significant improvement in air quality over the past several years. In the past, Colorado Front Range communities have struggled to meet federal air pollution standards. In fact, these communities routinely violated five of the six types of air pollution standards set forth by the federal Clean Air Act.

This trend has been reversed due to the adoption of new technologies, extensive efforts by federal, state and local government agencies along with local businesses and the community as a whole. In August 2002, it was announced that seven counties along Colorado's Front Range have achieved compliance with all state and federal health-based air quality standards. The Environmental Protection Agency recognized Colorado's success in attaining federal air quality standards and noted that this was the first metropolitan area in the country to achieve such drastic progress.

Despite these developments, continued efforts must be taken to continue to improve Colorado's air quality. The Regional Air Quality Council has served an important role in the state's effort to improve air quality and the 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 a crucial role in the preparation of state implementation plans for this region's compliance with federal air quality standards.

Pursuant to the federal Clean Air Act, the Governor of the State of Colorado, is authorized 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. In Executive Order B 004 99, I retained the Regional Air Quality Council as the lead air quality planning

agency for the Denver Metropolitan Area. This Executive Order extends this designation and confirms mission, duties, membership and staffing of the Regional Air Quality Council.

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 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.
- E. 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.
- F. 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.

- G. 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 Public 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.

As of the effective date of this Executive Order, the current members of the Council are expressly retained. The Council shall continue to 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. These members may not designate alternates to serve in their place or to vote on issues before the Council.
- B. The Governor shall appoint 2 locally elected officials from the Denver Metropolitan Area to serve as representatives of local government. These members may not designate alternates to serve in their place or to vote on issues before the Council.
- 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. This members may not designate alternates to serve in his/her place or to vote on issues before the Council.
- D. The Governor shall appoint the executive director of the state agency responsible for air quality planning – currently the Colorado Department of Public Health and Environment. The executive director of the Colorado Department of Public Health and Environment may designate an alternate to serve in his/her place and to vote on issues before the Council.
- E. The Governor shall appoint the executive director of the state agency responsible

for transportation – currently the Colorado Department of Transportation. The executive director of the Colorado Department Transportation may designate an alternate to serve in his/her place and to vote on issues before the Council.

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

In Executive Order B 004 99, I set forth specific directives to streamline the Council and its functions. The provisions of section 7 in Executive Order B 004 99 shall continue.

8. Past Executive Orders Superseded and Replaced.

This Executive Order shall amend Executive Order B 004 99 and repeal and supersede all remaining executive orders pertaining to the Metropolitan Air Quality Council, the Regional Air Quality Council, and specifically Executive Orders B 012 93 Creating the Regional Air Quality Council, B 001 95 Recreating the Regional Air Quality Commission and Defining its Relationship with the Corporate Alliance for Better Air, and B 011 97 Extending the Existence of the Regional Air Quality Council and the Corporate Alliance for Better Air, and the Blue Ribbon Panel on Mobile Sources.

9. Duration.

The Council shall continue in existence until Dec. 31, 2005, 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 31st Day
of December, 2002.

Bill Owens
Governor