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STATE OF COLORADO

EXECUTIVE CHAMBERS

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Roy Romer
Governor

EXECUTIVE ORDER

CREATING A REGIONAL AIR QUALITY COUNCIL

WHEREAS, the quality of life in the Denver metropolitan area and the state of Colorado is significantly affected by air quality in the metropolitan area; and

WHEREAS, the air quality in the Denver metropolitan area has improved in part because of local actions and community initiatives, but does not meet several federal standards designed to protect human health and well-being; and

WHEREAS, the existence of suspended fine particulate matter, often referred to as the "brown cloud," in the metropolitan area significantly and adversely impacts public health, visibility and the economic health of the region; and

WHEREAS, the Governor of the State of Colorado, pursuant to section 174(a) of the 1977 amendments to the Clean Air Act, 42 U.S.C. section 7504 (1982), is authorized, after consultation with local governments, 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; and

WHEREAS, the Metropolitan Air Quality Council (the "MAQC") was designated the lead planning agency by Executive Order No. B 009 87 dated July 21, 1987, and by that executive order, the MAQC terminates no later than June 30, 1989; and

WHEREAS, a new organization is needed to serve as the lead planning agency for air quality and to prepare state implementation plans; and

WHEREAS, the air quality lead planning agency should also perform other needed functions in the air quality area, including advocacy of initiatives with governmental and regulatory bodies, public education and consensus building; and

WHEREAS, the new air quality organization should have representation from a broad cross-section of the community, including local governments, and should be funded in large part by contributions from the local governments that make up the region; and

WHEREAS, the planning and other functions of the lead planning agency should be coordinated with the planning activities carried out by the Denver Regional Council of Governments ("DRCOG").

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

1. There is hereby established a Regional Air Quality Council ("Council"). The Council shall perform those duties and functions specifically designated in this executive order. Further details of the Council's operations and relationship with DRCOG are set forth in the Memorandum of Agreement between the Governor and DRCOG dated June 29, 1989 (the "Agreement"). The Agreement shall be interpreted in accordance with this executive order.

2. The Council shall be deemed created and established as of the date of this executive order, and shall continue in existence through December 31, 1991, unless upon review and executive order of the Governor its existence is extended beyond that date.

3. The Council shall consist of no more than 30 members to be appointed as follows:

a. The Governor shall appoint no more than 14 citizen members to the Council. These citizen members shall be selected on the basis of their knowledge of and interest in air quality and related issues. They shall represent, among other interests, the health, environmental, consumer and business communities.

b. Sixteen local government representatives shall be designated and appointed to the council in accordance with the process set forth in the Agreement.

c. The Coordinator of Environmental Problems as designated in C.R.S. section 24-41-101, who is a member of the Governor's staff, or such other person as the Governor may designate, shall serve as the Governor's representative on the Council in an ex-officio capacity.

4. All citizen members shall serve at the pleasure of the Governor. Any vacancies shall be filled in the same manner as the initial selection of members.

5. The Governor, after consultation with the chairman of DRCOG, shall appoint one of the members of the council to serve as chair of the Council. The member so appointed shall serve as chair at the pleasure of the Governor, but unless removed by the Governor, shall serve for a term of one year beginning with the date of this executive order, or until a successor is named by the Governor.

6. 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 area air quality region, pursuant to 42 U.S.C. 7504.
 - b. The Council shall develop and recommend to appropriate agencies and jurisdictions plans consistent with the requirements of the federal Clean Air Act. Such plans shall include the establishment of priorities for initiation of major programs.
 - c. The Council shall develop and recommend to appropriate agencies and jurisdictions cost-effective strategies to reduce the brown cloud.
 - d. The Council shall develop and administer programs of public education regarding air quality and air pollution control and prevention. The council shall in every way appropriate advocate solutions to air quality problems.
 - e. The Council shall advocate with the U.S. Congress, the Colorado General Assembly and local legislative bodies for measures which promote and fund cost-effective strategies and programs for air quality. The Council shall also advocate with other governmental and regulatory entities, such as the Regional Transportation District, the Colorado Department of Highways, the Air Quality Control Commission and the Public Utilities Commission for programs and actions which enhance air quality. The Council shall have party status in rulemaking proceedings where appropriate and consistent with the rules and procedures of the regulatory body involved in the proceeding.
 - f. The Council shall develop methods to identify and evaluate alternative air quality planning and control activities and shall utilize and, if necessary, conduct statistical and other studies to gather data on air quality and related issues.
 - g. The Council shall have appropriate involvement in the transportation plan development process, including, where appropriate, having the opportunity to review and comment in advance on transportation plans or revisions and transportation improvement program proposals. The Council is encouraged to obtain a non-voting seat on the Transportation Committee.
 - h. The Council shall evaluate alternative structures for a successor organization to continue air quality work after

December 31, 1991. The Council shall submit a report to the Governor containing its recommendations on or before September 30, 1991.

i. 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 written products to the Governor, the Air Pollution Control Division of the Colorado Department of Health, the U.S. EPA, Region 8, and any regional planning groups engaged in transportation or other related planning efforts.

7. The Council shall adopt its own rules of procedure, not inconsistent with the terms of this executive order and the Agreement, and shall be organized as follows:

a. The Council may elect officers in addition to the chair and such officers shall be selected in the manner provided by the Council and shall have the powers, duties and terms of office as provided by the Council and not in conflict with this executive order and the Agreement.

b. An executive committee of the council shall be created, consisting of three local government representatives, two citizen members of the council and the chair. The executive committee shall perform executive functions as are necessary from time to time in the normal course of the Council's activities, and subject to rules and procedures adopted by the Council. The approval of the executive committee is required in the recruitment, hiring and evaluation of the air quality staff director.

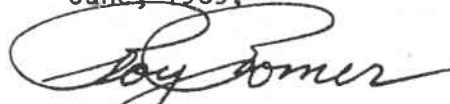
c. The Council shall adopt a meeting schedule that facilitates its work. The Council shall keep a record of its proceedings, which shall be open to public inspection. Meetings of the Council shall be open to the public at all times; but, by majority vote of the members present at any meeting, the Council may go into executive session consistent with state laws for consideration of documents or testimony given in confidence or for discussion of personnel or legal matters. No final policy decision or formal action and no action approving a contract calling for payment of money shall be adopted or approved at any executive session.

d. The Council may operate in subcommittees, working groups, or such other arrangements as may be useful to its function. However, final policy actions must be approved by the Council as a whole. The Council is encouraged to formulate a quorum requirement for the approval of policy measures.

8. The selection and employment of staff for the Council shall be in accordance with this executive order and the Agreement. It is the expectation of the Governor that staff to the Council will be located at the offices of DRCOG and shall be a part of the organization of DRCOG for administration and management purposes. It is the Governor's expectation that, consistent with the Agreement, the air quality staff will be accountable on policy matters to the Council.

9. The Council shall develop and approve its work program and budget in accordance with the timetable and procedure set forth in the Agreement. Every effort shall be made to coordinate the Council work program and planning activities with those of DRCOG. A procedure for resolving any disagreements between the DRCOG Board and the Council over the work program and budget is set forth in the Agreement. Any disagreements shall be resolved with the understanding of the importance of air quality to the region.

Given under my hand and the Executive Seal of the State of Colorado this 29th day of June, 1989.



Roy Romer
Governor



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