

STATE OF COLORADO

EXECUTIVE CHAMBERS

136 State Capitol
Denver, Colorado 80203-1792
Phone (303) 866-2471



EXECUTIVE ORDER

Roy Romer
Governor

REAUTHORIZING THE 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; and

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

WHEREAS, suspended fine particulate matter, often called the "brown cloud," adversely impacts public health, visibility and the economy of the region; and

WHEREAS, the Denver metropolitan area contributes emissions of other pollutants that adversely impact the public health and the local and global environment; 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 Regional Air Quality Council was designated the lead planning agency by Executive Order No. B 060 90 dated October 11, 1990, and by that executive order, the same body was scheduled to end its existence by no later than June 30, 1992; and

WHEREAS, such an organization still is needed to coordinate a regional response to air quality problems, serve as the lead planning agency and prepare state implementation plans, and perform other needed functions to respond to air quality issues in the metropolitan area.

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. The Regional Air Quality Council ("Council") is retained as a non-profit Colorado corporation. The

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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, the Council and DRCOG dated _____, 1992 (the "Agreement"). The Agreement shall be interpreted in accordance with this executive order and is attached hereto and incorporated by this reference.

2. The Council shall continue in existence through June 30, 1996, 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 35 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. Seventeen local government representatives shall be designated and appointed to the council in accordance with the process set forth in the Agreement.

c. 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 as a non-voting member.

d. One representative each from the state agency responsible for transportation and the state agency responsible for air quality planning shall be appointed by the Governor to serve on the Council.

e. One representative of the Metropolitan Planning Organization shall be appointed by the Chair of the Metropolitan Planning Organization to serve on the Council.

4. All citizen members, Governor's representative, and state agency representatives 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 section 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 major programs.

c. The Council shall develop and recommend to appropriate agencies and jurisdictions cost-effective strategies to reduce the "brown cloud" and other air pollutants of concern to the region.

d. The Council shall work with elected officials and staff of cities and counties in the Denver metropolitan area to enhance the cities' and counties' capacities to address air quality issues and to encourage adoption of effective local air quality strategies.

e. The Council shall be responsible for developing and administering programs of public education regarding air quality and air pollution control and prevention in the Denver region. The Council shall in every way advocate appropriate solutions to air quality problems.

f. The Council shall advocate to the U.S. Congress, the Colorado General Assembly and local legislative bodies and with other governmental and regulatory entities, such as the Regional Transportation District, the Colorado Department of Transportation, the Air Quality Control Commission and the Public Utilities Commission the need for programs and actions which promote and fund cost-effective strategies and programs for air quality. When appropriate, the Council shall have party status in rulemaking proceedings when such status is consistent with the rules and procedures of the regulatory body involved in the proceeding.

g. The Council shall work with the Colorado Department of Health and the Corporate Alliance for Better Air to develop unified work plans for air

quality programs and fundraising in the private sector.

h. The Council shall develop methods to identify and evaluate alternative air quality planning and control activities and shall utilize and conduct statistical and other studies to gather data on air quality and related issues, if necessary.

i. The Council shall have appropriate involvement in the transportation plan development process, including having the opportunity to review and comment in advance on transportation plans or revisions and transportation improvement program proposals.

j. The Council shall evaluate alternative structures for a successor organization to continue the Council's air quality work after June 30, 1996. The Council shall submit a report to the Governor with its recommendations on or before December 1, 1995.

k. 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. Environmental Protection Agency (EPA), Region VIII, and any regional planning groups engaged in transportation or other related planning efforts.

7. The Council shall adopt its own by-laws, 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 majority of the executive committee is required in the recruitment, hiring and evaluation of the air quality staff director.

c. An Air Quality Coordination Group (hereinafter "Coordination Group") is hereby established to coordinate the relevant work programs and to clarify responsibilities of relevant agencies. The Coordination Group shall be composed of executives of certain governmental agencies with air quality related responsibilities including, but not limited to, the Air Pollution Control Division of the Colorado Department of Health, the Colorado Department of Transportation, the U.S. Environmental Protection Agency, Denver Regional Council of Governments, the Governor's Office, and the Council. The Coordination Group shall meet at least quarterly to coordinate the interagency components of the air quality work program, ensure maintenance of established work schedules, and provide for effective staff communication and coordination. The Coordination Group may also recommend adjustments to the work plans and/or budgets of pertinent agencies if it deems such adjustments appropriate to improve coordination or the efficient use of resources.

d. 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.

e. 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 shall 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. Staff to the Council shall work closely with the staff of DRCOG and the staff of the state air quality and transportation planning agencies to coordinate air quality planning with regional and transportation planning.

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 of the Council, DRCOG, and the Colorado Department of Health.

10. This executive order shall repeal and supercede Executive Order No. D060 90.



Given under my hand and the Executive Seal of the State of Colorado this 9 day of July, 1992.

A handwritten signature in cursive script that reads "Roy Romer".

Roy Romer
Governor