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EXECUTIVE ORDER

**Recreating and Reauthorizing the
Denver Metropolitan Area Regional Air Quality Council**

Pursuant to the authority vested in the Office of the Governor of the State of Colorado, I, Bill Ritter Jr., Governor of the State of Colorado, hereby issue this Executive Order recreating and reauthorizing the Regional Air Quality Council as an air-quality planning agency for the Denver metropolitan area.

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. Elevated ambient concentrations of ozone and suspended fine particulate matter continue to pose a threat to public health, especially for children and vulnerable populations. In the past, Colorado front range communities regularly violated federal air pollution standards, and the Denver metropolitan area violated five of the six criteria air pollutant standards set forth by the federal Clean Air Act.

The State of Colorado, and in particular the Denver metropolitan area, has experienced a significant improvement in air quality over the past several years, leading to a long-term trend of compliance with federal air quality standards. Numerous factors have contributed to improved air quality in the Denver metropolitan area, including the adoption of new technologies, local government participation in air quality planning, community initiatives, and private sector involvement.

Despite these improvements, continued efforts to protect the health and well-being of all Coloradoans is needed. The trend of air quality improvement in the Denver metropolitan area and surrounding communities requires a focused effort involving community, state government, and private sector participation.

The Regional Air Quality Council has proven to be an important component in the State of Colorado's strategy to improve air quality and coordinate air quality planning initiatives for the Denver metropolitan area. The Regional Air Quality Council plays a valuable role in the

preparation of air quality plans for this region and in the implementation of programs that help to improve air quality.

The Governor of the State of Colorado, pursuant to the federal Clean Air Act, 42 U.S.C. § 7504, is authorized to designate a lead agency for air quality planning with the responsibility to prepare air quality plans for the region to demonstrate and ensure long-term compliance with federal air quality standards.

2. Council Designated

The Regional Air Quality Council (“Council”) is hereby designated 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 Council is to develop and propose effective and cost efficient air quality planning initiatives with the input of government agencies, the private sector, stakeholder groups, and citizens in the Denver metropolitan area. Its primary task is to prepare state implementation plan elements that demonstrate and ensure long-term compliance with state and federal air quality standards and provide acceptable public health and environmental protections to those residing in the Denver metropolitan area. Additional responsibilities of the 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 air quality plans for proposal to the Colorado Air Quality Control Commission that provide for the 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 work with the Colorado Department of Public Health and Environment and other appropriate agencies to develop a work plan for air quality planning and related programs.
- C. 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.

- D. The Council shall coordinate all of its air quality planning activities in the Denver metropolitan area with the Colorado Department of Public Health and Environment, the Colorado Department of Transportation, the Denver Regional Council of Governments, and other front range regional planning organizations engaged in air quality or transportation planning efforts, as appropriate.
- E. The Council shall be responsible for developing and administering public education and outreach programs regarding air quality and air pollution prevention and control in the Denver metropolitan area. Council material shall include discussion of the public health and environmental benefits, as well as the cost effectiveness of providing good air quality in the region.
- F. 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.
- G. The Council shall participate in rule-making proceedings where appropriate and consistent with the rules and procedures of the regulatory body involved in the proceeding.

5. Membership and Organization

The Council shall consist of eleven members to be appointed as follows:

- A. The Governor shall appoint five 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 vote on issues before the Council.
- B. The Governor shall appoint two local government representatives from the Denver metropolitan area. These members shall be local elected officials and/or local government staff members. These members may not designate alternates to serve in their place or vote on issues before the Council.
- C. The Governor shall appoint one local government representative from the north front range. This member shall be a local elected official or local government staff member from the Metropolitan Planning Area. This member may not designate an alternate to serve in his or her place or vote on issues before the Council.
- D. 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 designated under 23 U.S.C. § 134, which is currently the Denver Regional Council of Governments, to serve as a representative of both local government and the metropolitan planning organization. This member may not designate an alternate to serve in his or her place or vote on issues before the Council.

- D. The Governor shall appoint the executive director of the state agency responsible for air quality management, which is 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 or 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 management, which is currently the Colorado Department of Transportation. The executive director of the Colorado Department Transportation may designate an alternate to serve in his or her place and to vote on issues before the Council.
- F. The Governor shall appoint one member of the Council to serve as chair.
- G. All appointees shall serve at the pleasure of the Governor.

6. Staffing, Resources, and Voting

- A. A quorum shall consist of seven Council members, and the Council shall act by resolution approved by at least six Council members at any Council meeting.
- B. The Council shall have the power to retain a staff and hire consultants as appropriate, enter into contracts, receive and expend funds, purchase goods and services, lease space, and perform all management and administrative functions necessary to accomplish its purpose and mission.
- C. A majority vote of the entire Council shall be sufficient to decide issues concerning the recruitment, hiring, termination, and evaluation of the staff and consultants of the Council.
- D. The Council shall rely on the Colorado Department of Public Health and Environment's air pollution control division and other divisions within the Department as its primary sources of technical expertise, but may, upon a majority vote on the entire Council, contract with other vendors for additional technical data to assist in achieving its air quality planning mission.
- E. The Council shall conduct its meetings pursuant to and consistent with the Colorado Sunshine Law, C.R.S. §§ 24-6-401, 24-6-402. The Council shall adopt its own by-laws, which must be 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 inspection. Consistent with Colorado law, 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 of the Council.

- F. The Council may operate in subcommittees, working groups, or such other arrangements as may be useful for efficient and effective functioning; however, all final policy actions must be approved by the Council as a whole.
- G. The selection and employment of staff for the Council shall be in accordance with this Executive Order.

7. Past Executive Orders Superseded and Replaced

This Executive Order shall supersede and replaces all prior Executive Orders pertaining to the Metropolitan Air Quality Council and the Regional Air Quality Council.

8. Duration

The Council shall continue in existence until October 31, 2008, unless, by executive order of the Governor, its existence is extended beyond that date.

GIVEN under my hand and the
Executive Seal of the State of
Colorado, this 26th day
of June, 2007.

Bill Ritter, Jr.
Governor