AQD Exhibit # 3a

COUNTY COMMISSION ORDINANCE NO. 302

AN ORDINANCE

ESTABLISHING A METROPOLITAN ENVIRONMENTAL HEALTH ADVISORY BOARD, PRESCRIBING ITS PURPOSES, ORGANIZATION, AND PROCEDURES, REPEALING ARTICLE 22 OF COUNTY COMMISSION ORDINANCE NO. 18, SEVERABILITY CLAUSE, AND DECLARING AN EMERGENCY.

WHEREAS, the County Commission of Bernalillo County, and the City Council of the City of Albuquerque realize effective local government is based on citizen understanding and cooperation and intergovernmental cooperation, and

WHEREAS, active citizen cooperation in guiding the development of an Albuquerque-Bernalillo metropolitan environmental health program is highly desirable, and

WHEREAS, environmental health and air quality problems respect no political boundaries and environmental health and air quality programs are most efficiently and effectively administered on an area-wide basis, and

WHEREAS, the City, County, and State have an agreement for a single Environmental Health Department for the Albuquerque-Bernalillo County Community, and

WHEREAS, the written contract and agreement between the City, the County, and State is a major step toward orderly and efficient community growth and good environmental health through joint planning and professional administration, and

WHEREAS, the County Commission of Bernalillo County is providing for its part in the organization of a Metropolitan Environmental Health Advisory Board; therefore

BE IT ORDAINED BY THE COUNTY COMMISSION OF THE COUNTY OF BERNALILLO, NEW MEXICO:

1 SECTION 1. PURPOSE--A metropolitan Environmental
2 Health Advisory Board is established for the following
3 purposes:
4 A. To keep itself informed of community
5 environmental health needs and to serve as a forum for public
6 discussion.
7 B. To recommend to the Mayor and County
8 Managers, policies for program improvement.
9 C. To advise the Environmental Health
10 Department regarding environmental health needs and programs.
11 D. To hold hearings and make recommendations
12 on appeals from orders of the Environmental Health Authority
13 as provided by other Ordinances.
14 E. To perform the functions of the Albuquerque-
15 Bernalillo County Air Quality Control Board as provided in
16 city and county Air Quality Control Board Ordinances.
17 SECTION 2. ORGANIZATION AND MEMBERSHIP
18 A. The Metropolitan Environmental Health
19 Advisory Board will consist of seven (7) members, three (3)
20 of whom shall be appointed by the County Commission of the
21 County of Bernalillo and four (4) of whom shall be appointed
22 by the Mayor.
23 B. Members shall serve for three-year terms,
24 except that three (3) of the initial terms shall be for
25 two-year terms. The three (3) members to serve an initial
26 term of two (2) years shall be those members previously
27 determined by lot in accordance with the original City and
28 County Ordinances creating the Environmental Health Advisory
29 Board.
30 C. In years in which three (3) terms expire,
31 two (2) of the vacancies shall be filled by individuals
32 appointed by the Mayor and one (1) of the vacancies shall
33 be filled by an individual appointed by the Bernalillo

County Commission. In years in which four (4) such terms expire, two (2) of the vacancies shall be filled by individuals appointed by the Mayor and two (2) vacancies shall be filled by individuals appointed by the Bernalillo County Commission.

D. City-appointed members shall be residents of the City of Albuquerque, and County-appointed members shall be residents of the County of Bernalillo.

E. Board members shall be representative of such groups as environmental health, engineering, legal, education, scientific, environmental, or industrial interests.

F. The Director of the Department of Environmental Health is an ex officio member of the Board, but does not have a vote.

G. A quorum of four members is required for the conduct of business. The Board will adopt rules to govern its proceedings.

H. The Board will meet in appropriate public facilities providing seating arrangements for the expected public. The Board shall meet monthly, unless a special need requires that additional meetings be held. Notice of time, place, and agenda of meetings must be published as prescribed by law. Meetings shall be open to the public as required by law.

I. Minutes of Board meetings shall be kept and filed with the City Clerk and County Clerk. Additional copies, as indicated, shall be forwarded to the Chief Administrative Officer and the County Manager.

SECTION 3. NOMINATION - APPOINTMENT PROCEDURE

At least two (2) months before a term expires, the Board shall submit to the appropriate body a list of three (3) names for each pending vacancy with a brief biographical sketch concerning qualifications of

each candidate. From this list, as modified or enlarged by the appropriate body, appointments are to be made. Candidates appointed shall be notified in writing, requesting acceptance or rejection of the position in writing. If a vacancy occurs for reasons other than expiration of term, the Board shall comply with the above promptly. Appointments shall be made by the body having originally appointed the member and shall be for the remainder of the unexpired term.

SECTION 4. CONFLICT OF INTEREST

Any Board member having a pecuniary interest in matters before the Board must disqualify himself from discussion and vote on such matters.

SECTION 5. REPEAL CLAUSE

Article 22 of County Commission Ordinance No. 18 is hereby repealed.

SECTION 6. SEVERABILITY

If any part or application of the MEHAB Ordinance is held invalid, the remainder or its application to other situation or persons shall not be affected.

PASSED AND ADOPTED THIS 5 DAY OF August 1974.

ATTEST

BY: David M Santillanes
Chairman, County Commission

Emma C. Gonzales
County Clerk

APPROVED

Robert H. Hawk
Vice-Chairman

Richard Montoya
Member

I, MAGGIE TOULOUSE OLIVER, County Clerk of Bernalillo County, New Mexico, hereby certify that the foregoing is true, correct and full copy of the instrument herewith set out as appears of record in my office.
Dated this 18th day of May 2012
MAGGIE TOULOUSE OLIVER
Bernalillo County Clerk
By Celina Tafoya
Deputy Clerk

12/5/74