AQD Exhibit # 3b

ARTICLE II. - METROPOLITAN ENVIRONMENTAL HEALTH ADVISORY BOARD [45]

Sec. 42-36. - Established.
Sec. 42-37. - Membership; terms; vacancies; appointments.
Sec. 42-38. - Meetings.
Sec. 42-39. - Functions.
Secs. 42-40—42-80. - Reserved.

Sec. 42-36. - Established.

The metropolitan environmental health advisory board is hereby established.

(Ord. No. 302, § 1, 8-5-74)

Sec. 42-37. - Membership; terms; vacancies; appointments.

(a) The metropolitan environmental health advisory board will consist of seven members, three of whom shall be appointed by the board of county commissioners and four of whom shall be appointed by the mayor.

(b) Members shall serve for three-year terms.

(c) In years in which three terms expire, two of the vacancies shall be filled by individuals appointed by the mayor, and one of the vacancies shall be filled by an individual appointed by the board of county commissioners. In years in which four such terms expire, two of the vacancies shall be filled by individuals appointed by the mayor, and two vacancies shall be filled by individuals appointed by the board of county commissioners.

(d) City-appointed members shall be residents of the City of Albuquerque, and county-appointed members shall be residents of the county.

(e) At least a majority of the membership of the board shall be individuals who represent the public interest and meet the requirements of state and federal guidelines set forth in the New Mexico Air Quality Control Act (NMSA 1978, § 74-2-1 et seq.) and the federal Clean Air Act (42 USCA 7401, et seq.), as amended. Further, to the extent that it does not conflict with this subsection, board members shall be representative of such groups as environmental health, engineering, legal, education, scientific, environmental or industrial interests.

(f) At least two months before a term expires, the board shall submit to the appropriate body a list of three 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. If a vacancy occurs for reasons other than expiration of term, the appointment shall be made by the body having originally appointed the member and shall be for the remainder of the unexpired term.

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

(h) The director of the department of environmental health is an ex-officio member of the board, but does not have a vote.

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(Ord. No. 302, §§ 2(A)—(F), 3, 4, 8-5-74; Ord. No. 90-19, § 1, 8-21-90)

Sec. 42-38. - Meetings.

(a) *Quorum; rules.* A quorum of four members is required for the metropolitan environmental health advisory board to conduct business. The board will adopt rules to govern its proceedings.

(b) *Notice.* 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.

(c) *Minutes.* 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.

(Ord. No. 302, § 2(G)—(I), 8-5-74; Ord. No. 90-19, § 1, 8-21-90)

Sec. 42-39. - Functions.

The metropolitan environmental health advisory board shall:

(1) Keep itself informed of community environmental health needs and to serve as a forum for public discussion.

(2) Recommend to the mayor and county managers, policies for program improvement.

(3) Advise the environmental health department regarding environmental health needs and programs.

(4) Hold hearings and make recommendations on appeals from orders of the environmental health authority as provided by other ordinances.

(5) Perform the functions of the Albuquerque-Bernalillo County Air Quality Control Board as provided in city and county air quality control board ordinances.

(Ord. No. 302, § 1, 8-5-74)

Secs. 42-40—42-80. - Reserved.

FOOTNOTE(S):

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(45) ***Cross reference—*** *Boards and commissions, § 2-431 et seq.* (Back)