

## **BYLAWS OF THE ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD**

### **ARTICLE I-NAME**

Albuquerque-Bernalillo County Air Quality Control Board

### **ARTICLE II-AUTHORITY**

The Albuquerque-Bernalillo County Air Quality Control Board (The Board) is created by NMSA § 74-2-4.A(1), City Ord. 9-5-1-3, and County Ord. 94-5-3.A.

### **ARTICLE III-MISSION AND SCOPE**

Actions of the AQCB will be taken in conformance with the statutory and regulatory framework within which it is mandated to operate, including but not limited to the statutory and regulatory provisions cited in these bylaws. The Board's actions will also be guided by principles of environmental justice, which include full public participation in the regulatory process, full and timely access to all public information, opportunity by all members of the community to voice concerns and ask questions, and receive full and prompt responses. It will also seek through its mandate, to advance the long-term health and sustainability of the Albuquerque/Bernalillo County community by applying appropriate laws and scientific understanding to its decisions.

### **ARTICLE IV- MEMBERS**

Appointment and qualifications of members shall be in accordance with City Ordinance § 9-5-1, Air Quality Control Board, City Ordinance § 2-6-1, Public Boards and Commissions, and County Ordinance § 30-31, Air Pollution.

### **ARTICLE V-OFFICERS**

- a) Election of officers occurs annually for the offices of Chair and Vice-Chair at the regular April meeting. Terms of office are one year in duration, with officers serving no more than two consecutive terms.
- 1) Nomination of candidates for offices of Chair and Vice-Chair are made from the floor by Board members, after recognition by the Chair. All Board members are entitled to cast one vote per office. Election requires a vote of a majority of all Board members.
  - 2) Nominations shall be solicited at the monthly meeting prior to the election, and nominations may also be taken from the floor.
  - 3) After the election is complete, the Chair declares the results, and newly elected officers immediately assume their offices.
  - 4) In the event that there shall occur a vacancy in the office of Chair or Vice Chair, an election shall be held at the next regularly scheduled Board meeting to fill the vacancy.

- b) Duties and Powers of the Chair, or Vice-Chair acting in the absence of the Chair.
- 1) Determine final agenda items;
  - 2) Call the Board meeting to order, if a quorum is present, and preside over the meeting and official actions taken by the Board;
  - 3) Determine whether to cancel or delay a meeting for good reason.
  - 4) Preserve order and decorum and exercise general oversight for the facility being used for the meeting;
  - 5) Decide all questions of order;
  - 6) Participate in discussions in the same manner as other Board members;
  - 7) Vote on all questions in the same manner as other Board members;
  - 8) Announce the outcome of each vote;
  - 9) Create and appoint members to all committees and chairs whether standing, joint or special, subject to the approval of the Board;
  - 10) Sign all State Records Center transmittals attached to regulations adopted by the Board; and
  - 11) Appoint representatives of the Board to governmental committees as needed, provided that the proposed appointee indicates a willingness to undertake the additional duties.
- c) Duties and Powers of the Vice-Chair. The Vice-Chair shall assume all duties of the Chair in the event of absence of the Chair.
- d) Duties and Powers of the Secretary of the Board. The Director of the City of Albuquerque Environmental Health Department, or designee, shall be the Secretary of the Board. The Secretary shall supply such staff support, as necessary, to assist the Board in meeting its duties. Support staff for the Board will record all transactions and proceedings of the Board and shall perform duties required by the Air Quality Control Act.

## ARTICLE VI-MEETINGS

- a) Four members of the Board constitute a quorum. A quorum is required for all matters decided by vote of the Board.
- b) The Board will hold a minimum of six regular monthly meetings a year. The Board shall meet monthly if a quorum is available unless a meeting is unnecessary or delayed for good reason.
- c) In accordance with the New Mexico Open Meetings Act, NMSA 1978 §10-15, all meetings of the Board shall be open meetings except as provided by law. Special additional meetings may be held as needed. All meetings, sessions and hearings shall be held in accordance with applicable notice requirements.
- d) Regular meetings will be held on the second Wednesday of each month at 5:30 p.m. in the Plaza del Sol Basement Hearing Room, 600 Second St. NW, Albuquerque, NM unless a meeting is moved to another location or time.

- e) An affirmative vote of at least four members of the Board is required to adopt, amend, or repeal a regulation. Any other action, order or decision of the Board requires a simple majority vote of members present.
- f) Emergency meetings will be called only under circumstances when an unexpected occurrence or condition, or the state that results from such a condition or occurrence, requires immediate consideration or action to protect the health safety and property of citizens or to interject guidance to some law making or planning body that may otherwise take action that may be detrimental to air quality in the Metropolitan airshed.
- g) Work sessions may be held and need not be in conjunction with a regular scheduled meeting.
- h) Board meetings will proceed in accordance with *Robert's Rules of Order* unless a procedure is otherwise stated in these Bylaws.
- i) A Board member is expected to attend meetings regularly. A board member may be removed from office by the appointing authority if the member has missed three consecutive meetings or has been absent from more than 50% of the meetings during any 12 consecutive meetings. The Board Secretary shall notify any board member whose absences have exceeded the allowable amount.
- j) No motion to discuss or decide a matter at a meeting shall be in order unless public notice on the item to be discussed or decided has been accomplished in accordance with applicable notice requirements in NMSA 1978 § 10-15, *Open Meetings Act*, City Ordinance § 2-6-1, *Public Boards, Commissions and Committees*, City Ordinance § 9-5-1, *Air Quality Control Board*, County Ordinance § 30-31, *Air Pollution*, 20.11.81 NMAC, *Adjudicatory Procedures-AQCB*, and 20.11.82 NMAC, *Rulemaking Procedures- AQCB*.

## **ARTICLE VII-RULES OF CONDUCT**

- a) Board members will be respectful of other members' opinions, decisions, and differences. Board members with varying opinions add to the diversity of the group and provide balance to the decision-making process.
- b) Conflict of interest/Recusal. Any member of the Board who has a conflict of interest regarding a matter before the Board shall disqualify himself from the discussion and shall abstain from the vote on such matter in accordance with City Ordinance § 9-5-1, *Air Quality Control Board*, County Ordinance § 30-31, *Air Pollution*, 20.11.81 NMAC, *Adjudicatory Procedures-AQCB*, and 20.11.82 NMAC, *Rulemaking Procedures-AQCB*, or other applicable authority.

- c) Ex parte communication. Board members shall comply with applicable regulations, 20.11.81 NMAC, *Adjudicatory Procedures-AQCB*, and 20.11.82 NMAC, *Rulemaking Procedures-AQCB*.
- d) Board members shall not act on behalf of the Board without the express authority of the majority of the Board.
- e) Board members shall not request legal research or other work from the Board Attorney without the express authority of the majority of the Board. Such requests must be within the scope of services outlined in the Board Attorney's contract.

### ARTICLE VIII-AMENDMENT OF BYLAWS

Bylaws can be amended or repealed (in whole or in part) by a vote of a quorum of the Board, provided that a notice of intent to do so has been given to each Member at the previous regular meeting.

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**PASSED AND ADOPTED by the Board on March 13, 2024**

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*Maxine Paul*  
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Maxine Paul, Chair  
Air Quality Control Board

3/14/2024 | 12:55 PM PDT

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Date

Revised: 3/2024