



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 05/05/2015

Title: Amendment to Pima County Code Section 17.04.190 - Air Quality Hearing Board Composition

Introduction/Background:

Currently, Pima County Code Section 17.04.190 provides requirements for the composition of the Air Quality Hearing Board. These requirements are not consistent with the requirements set forth in the Arizona Revised Statutes

Discussion:

The Pima County Department of Environmental Quality is requesting the Board of Supervisors to adopt the attached Ordinance No. 2015-_____ to amend Pima County Code Section 17.04.190 to update the composition of the Air Quality Hearing Board. This amendment is proposed to remove additional requirements for members that are not in the Arizona Revised Statutes (A.R.S. § 49-478). No studies were reviewed in reference to this rulemaking action.

Conclusion:

In an effort to achieve consistency and accuracy in Title 17 of the Pima County Code, Pima County Department of Environmental Quality (PDEQ) is requesting that this rule be amended to conform the composition of the Air Quality Hearing Board as put forth in A.R.S. § 49-478.

Recommendation:

Staff recommends the Board of Supervisors adopt Ordinance No. 2015-_____ to amend *Pima County Code Section 17.04.190*, relating to the composition of the Air Quality Hearing Board.

Fiscal Impact:

This amendment will not have an economic impact on businesses in Pima County, and will not impose additional costs on the regulated community, small businesses, political subdivisions, and members of the public beyond that already incurred by reason of federal or state rule or law. The costs of compliance for the Air Quality Hearing Board have already occurred, and were considered when the state rule or law was proposed and adopted.

Board of Supervisor District:

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☒ All

Department: Environmental Quality

Telephone: 724-7454

Department Director Signature/Date: Ursula K. Nelson 4.13.2015

Deputy County Administrator Signature/Date: [Signature] 4/13/15

County Administrator Signature/Date: C. R. [Signature] 4/13/15

ORDINANCE NUMBER 2015-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA
RELATING TO THE COMPOSITION OF THE AIR QUALITY HEARING BOARD;
AMENDING THE PIMA COUNTY CODE SECTION 17.04.190.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, AS FOLLOWS:

Section 1: Chapter 17.04, Section 17.04.190 of the Pima County Code is amended to read as follows.

17.04.190 Composition.

- A. The hearing board shall consist of five members, ~~none of whom is an employee of the county or of the state or any of its political subdivisions.~~
1. The five members . . .
 2. One member shall ~~have been admitted to the practice of law in the state~~ be an attorney licensed to practice law in this state.
 3. ~~One member shall be a duly licensed practitioner of medicine in the state.~~
 4. ~~One member shall be a registered professional engineer in the state.~~
- B. At least a majority of the hearing board members shall not individually have a substantial interest in an emission source subject to permits or enforcement orders issued pursuant to this title. Substantial interest means any pecuniary or proprietary interest, either direct or indirect, other than a remote interest ~~as defined in A.R.S. 38-502, paragraph 40.~~

Section 2. This ordinance is effective 31 days after the date of adoption.


PASSED AND ADOPTED by the Board of Supervisors, Pima County, Arizona, this _____
day of _____, 2015

Chairman of the Board of Supervisors

ATTEST:

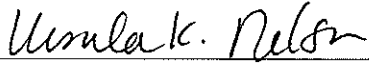
Clerk of Board

APPROVED AS TO FORM:



Michael LeBlanc
Deputy County Attorney

REVIEWED BY:



Ursula Nelson, Director
Department of Environmental Quality