Buncombe County Air Quality Advisory Council By-Laws

	Countywide	X	**Department:** Air Quality	X	**Division:** Advisory Council
Supersedes: N/A				**Effective Date:** August 6, 2026	
Authority: Buncombe County Board of Commissioners Resolution 26-06-13; N.C. Gen. Stat. § 153A-76; N.C. Gen. Stat. § 143-215.112(c)(1).					

I. Purpose: To establish the by-laws for the Buncombe County Air Quality Advisory Council in compliance with state law and county regulations and to establish an annual review of by-laws.

II. Procedure Statement:

A. Name and Office

The name of this organization is the Buncombe County Air Quality Advisory Council (hereinafter "Council"). The principal office of the Council is located at the Buncombe County Government Services Center, 35 Woodfin Street, Asheville, NC 28801.

B. Duties and Responsibilities

The Council is authorized pursuant to N.C. Gen. Stat. § 153A-76 and N.C. Gen. Stat. § 143-215.112(c)(4) and exercises powers, authority, and responsibilities delegated to it by the Buncombe County Board of Commissioners. The Council shall have the following duties and responsibilities:

- Conduct public hearings and review and advise on air program actions;
- Advise the Board of Commissioners in developing policies and plans to improve air quality programs;
- Participate in the appeals review process over "air quality" regulations and ordinances promulgated by the Board of Commissioners;
- Review and advise the local air quality program pursuant to the local air quality ordinance;
- Advise the Board of Commissioners of actions necessary to maintain a certified local air quality program, including rules, regulations and standards as promulgated by the North Carolina Environmental Management Commission and administer such rules and regulations throughout its area of jurisdiction pursuant to N.C. Gen. Stat. § 143-215.112.

C. Membership

The Council shall be composed of five (5) members, appointed by the Buncombe County Board of Commissioners pursuant to the established application process. The composition of the Council shall include individuals from a spectrum of vocations and professions including, but not limited to, business, engineering, economics, law, medicine, biology and life sciences, resource management, education or other specialties related to environmental management. All members of the Council shall be residents of Buncombe County.

D. Terms

All appointments shall be made for three-year terms, each member being subject to reappointment and the privilege of serving successive terms.

E. Conflict of Interest

That pursuant to the requirements of § 128 of the Clean Air Act ("CAA") and, thereby, the requirements of § 110(a)(2)(E)(ii) of the CAA, the Air Quality Director and each member of the Council shall complete a Certification of Public Interest and Disclosure of Potential Conflict of Interest on an annual basis. A majority of the Air Quality Council members represent the public interest; a majority of the members do not derive any significant portion of their income from persons subject to permitting or enforcement orders under the CAA; members must provide adequate disclosure of any potential conflicts of interest.

F. Officers

1. Chair and Vice Chair

The Council members shall elect a Chair and Vice Chair by majority vote to serve a two (2) year term until his or her successor is elected. Said appointments shall be made during the first regularly scheduled meeting of each fiscal year. The Chair and Vice Chair are subject to reappointment and the privilege of serving successive terms. If the Chair and Vice Chair are both absent, another member of the Council designated by a majority vote of members present at the meeting shall preside.

2. Secretary

The Air Quality Director or Director’s designee shall serve as Secretary to the Council; the Director is not a member of the Council. The Director shall be responsible for council records, dissemination of information and other administrative duties. The Air Quality Director may delegate the duties of the Secretary that are set forth in these operating procedures to an appropriate Air Quality employee.

G. Council Meetings

1. **Regular Schedules**
   The Council shall hold a regular meeting every other month, meetings shall be scheduled for January, March, May, July, September, and November. The Council must designate the time and place of all Council meetings, which must be conducted in compliance with North Carolina Open Meetings Laws (N.C. Gen. Stat. § 143-318.9).

   The Council shall give public notice before any of its public hearings. Notice of a public hearing at which the Council shall vote on any regulations, standards or other matters calling for the Council's opinion shall be given by publication at least once in a newspaper having general circulation in the County, and if the Council so directs, by such other methods as it shall specify. Such published notice shall be given not less than thirty days before the first hearing on the proposed action. The notice shall include a summary of the standards, regulations or other matters being voted on and shall state that the complete copy of the standards, regulations, or other documents being voted on may be obtained upon request from the office of the Director of Buncombe County Air Quality.

2. **Special Meetings**
   The Chair or three of the members of the Council may at any time call a special meeting of the Council by signing a written notice stating the time and place of the meeting and the subjects to be considered. The person or persons who call the meeting shall cause the notice to be emailed or delivered to the Chair and all the Council members at least 48 hours before the meeting and shall cause a copy of the notice to be posted on the principal bulletin board of the Council or at the door of its usual meeting room or on the building in an area accessible to the public at least 48 hours before the meeting. Only those items of business specified in the notice may be transacted at a special meeting, unless all members are present or those who are not present have signed a written waiver.

   A special meeting may also be called or scheduled by vote of the Council in open session during another duly called meeting. The motion scheduling the special meeting shall specify time, place, and purpose of the special meeting. At least 48 hours before a special meeting called in this matter, notice of time, place, and purpose shall be (a) posted on Council's website; and (b) mailed or delivered to a newspaper having general circulation in the County, and if the Council so directs, by such other methods as it shall specify. Such notice shall also be mailed or delivered at least 48 hours before the meeting to each Council member not present at the meeting at which the special meeting was called or scheduled.

If a special meeting is called to deal with an emergency, the notice requirements of this rule do not apply. However, the person or persons who call an emergency special meeting shall take reasonable action to inform the other members and the public of the meeting. Only business connected with the emergency may be discussed at the meeting.

3. **Remote Meetings**
   A Council member may make a remote appearance at a meeting. Such appearance will not count toward calculation of the necessary members present to constitute a quorum. Remote members can participate in discussions but cannot make motions, seconds, or vote.

4. **Agenda**
   The Secretary shall have administrative oversight in preparing the agenda for the meeting. Any Council member may have an item placed on the agenda. The Council may authorize the Director to prepare a consent agenda. The consent agenda shall contain routine, non-controversial items that require Council action but little or no deliberation. The final agenda for each meeting will be approved by the Chair and the Air Quality Director.

5. **Presiding Officer**
   The Chair of the Council shall preside at Council meetings if they are present. If the Chair is absent, the Vice Chair shall preside. If the Chair and Vice Chair are both absent, another member designated by a majority vote of members present at the meeting shall preside. The Chair shall have the following powers:
   - To rule motions in or out of order, including the right to rule out of order a motion patently offered for obstructive or dilatory purposes;
   - To determine whether a speaker has gone beyond reasonable standards of courtesy in his remarks and to entertain and rule on objections from other members on this ground;
   - To call a brief recess at any time;
   - To adjourn in an emergency.

6. **Attendance**
   Regular attendance is critical to the success of the Council's business and purpose. All appointed council members are expected to attend a minimum of 75% of all regular scheduled meetings each year. Failure to meet this attendance requirement may result in a recommendation by the Council to the appointing authority that the council member be removed.

7. **Quorum**
   A majority of the actual membership of the Council, excluding vacant seats,

shall constitute a quorum. A member who has withdrawn from a meeting without being excused by a majority vote of the remaining members shall be counted as present for purposes of determining whether or not a quorum is present.

8. **Voting**
   No vote may be taken without a quorum being present.

9. **Public Comment**
   There shall be an opportunity for public comment during Council meetings.

10. **Minutes**
    The Secretary shall prepare minutes of each Council meeting. Copies of the minutes shall be made available to each Council member before the next regular Council meeting. At each regular meeting, the Council shall review the minutes of the previous regular meeting as well as any special or emergency meetings that have occurred since the previous regular meeting, make any necessary revisions, and approve the minutes as originally drafted or as revised. The public may obtain copies of Council meeting minutes at the Buncombe County Government Services Center, 35 Woodfin Street, Asheville, NC 28801. The minutes are also available on the county's website.

H. Amendments to By-laws

The by-laws may be amended at any regular meeting or at any properly called special meeting that includes amendment of the by-laws as one of the stated purposes of the meeting. A quorum must be present at the meeting at which amendments are discussed and approved, and any amendments must be approved by a majority of the members present at the meeting.

I. Other Procedural Matters

1. **Action by the Council**
   - **a)** The Council shall proceed by motion. Any member, including the Chair, may make a motion.
   - **b)** All motions require a second before the motion can be discussed.
   - **c)** A member may make only one motion at a time.
   - **d)** A substantive motion is out of order while another substantive motion is pending.
   - **e)** A motion shall be adopted by a majority of the votes cast, a quorum being present, unless otherwise required by these rules or the laws of North Carolina.
   - **f)** The Chair shall state the motion and then open the floor to debate on it. The Chair shall preside over the debate according to these general principles:

i. The introducer (the member who makes the motion) is entitled to speak first;
ii. A member who has not spoken on the issue shall be recognized before someone who has already spoken;
iii. To the extent possible, the debate shall alternate between opponents and proponents of the measure.

2. In addition to substantive proposals, the following procedural motions, and no others, shall be in order. All motions require a second before the motion can be discussed. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption.

3. In order of priority (if applicable), the procedural motions are:
   a) **To Adjourn.** The motion may be made at any time by a member of the Council and would require a majority vote.
   b) **To Take a Recess.**
   c) **Call to Follow the Agenda.** The motion must be made at the first reasonable opportunity or it is waived.
   d) **To Suspend the Rules.** The motion requires a vote to equal a quorum.
   e) **To Divide a Complex Motion and consider it by Paragraph.**
   f) **To Defer Consideration.** A substantive motion whose consideration has been deferred expires 100 days thereafter unless a motion to revive consideration is adopted.
   g) **Call of Previous Question.** The motion is not in order until every member of the Council has had at least one opportunity to speak.
   h) **To Postpone to a Certain Time or Day.**
   i) **To Amend.** An Amendment to a motion must be germane to the subject matter of the motions, but it may achieve the opposite effect of the motion. Any amendment to a proposed ordinance shall be reduced to writing on the call of any member, including the Chair.
   j) **To Revive Consideration.** The motion is in order at any time (100 days) after a vote to defer consideration of it. A substantive motion on which consideration has been deferred expires (100 days) after the deferral, unless a motion to revive consideration is adopted.
   k) **To Reconsider.** The motion must be made by a member who voted with the prevailing side. The motion must be made at the same meeting at which the original vote was taken. The motion cannot interrupt deliberation or a pending matter but is in order at any time before adjournment.
   l) **To Rescind or Repeal.**
   m) **To Ratify.**
   n) **To Prevent Reconsideration for Six Months.** The motion shall be in order immediately following the defeat of a substantive motion and at no

other time. The motion requires a vote equal to a quorum and is valid for six months

o) **To Renew a Motion.** A motion that is defeated may be renewed at any subsequent meeting unless a motion to prevent reconsideration has been adopted.

p) **Withdrawal of Motion.** A motion may be withdrawn by the introducer at any time before a vote.

q) **Duty to Vote.** Once a meeting has been convened, every member, including the Chair, must vote unless excused by a majority vote of those members present. A member who wishes to be excused from voting shall so inform the Chair, who shall take a vote of the remaining members. The Council may excuse a member from voting, but only upon questions involving his own financial interest or his official conduct or on matters on which the member is prohibited from voting under N.C Gen. Stat. § 14-234. For purposes of this rule, the question of the compensation and allowances of members of the Council does not involve a member's own financial interest or official conduct. Refusal to vote (without just cause) shall be recorded as an affirmative vote.

J. Compliance with North Carolina Law

In conducting its business, the Council shall comply with all applicable North Carolina laws, including, but not limited to, open meetings laws, public record laws, and the laws setting forth the powers and duties of local air quality advisory councils. To assist the Council in compliance, the Secretary shall maintain a current copy of relevant North Carolina General Statutes and make them available to Council members on request.

III. Applicability and Exceptions: The procedures apply to current members of the Buncombe County Air Quality Council.

IV. Procedure Responsibility and Management:

- This procedure shall be reviewed annually by the Chair and the County Attorney's Office.
- New Council members will receive a copy of the Air Quality Council Member Orientation.

V. Reference to Robert's Rules of Order:

To the extent not provided for in these rules and to the extent that the reference does not conflict with the spirit of these rules, the Council shall refer to Robert's Rules of Order for unresolved procedural question.