City of Asheville Staff Report

City Council Meeting Date: June 23, 2026

Staff Resources: Carly Gillingham (Legal); Mark Matheny (DSD)

Action Requested: Adoption of a resolution authorizing the City Manager to sign an amendment to the Regional Air Quality Program Interlocal Agreement with Buncombe County to amend termination provisions.

Background:

- Since 2000, the City has had an interlocal agreement in place with Buncombe County establishing a Regional Air Quality Program pursuant to North Carolina General Statutes Section 143-215.112.
- The agreement establishes the Asheville Buncombe Air Quality Agency, made up of members appointed by the City and the County, responsible for developing policies and plans to improve air quality programs and exercising the functions and responsibilities enumerated in NCGS 143-215.112(c)(1).
- The County is seeking to terminate the Agreement to allow it to merge the responsibilities of the Air Quality Agency into its Permits & Inspections Department, with Air Quality being a division thereof.
- The County has provided assurances that it will provide the same services, just under a different governance structure.
- Mark Matheny, Development Services Department Director, has conferred with the County and the Air Quality Agency and has confirmed that Air Quality will operate as usual as a division of County Permits and Inspections.
- The Agreement currently has the following termination provision:
    - "This Agreement shall become effective upon the later of July 1, 2000 or the date of certification by appropriate State agencies. It shall be automatically renewed for successive one year terms on July 1st of each calendar year unless terminated by either party given written notice of its intention to terminate to the other party no later than the first day of March of the year in which said termination is to become effective."
- The County sent notice of its intention to terminate the Agreement to the City.
- The County anticipates that the processes needed for approval of its new governance structure (including various state approvals) will take longer than July 1. Under the current termination provision, this timing would cause a gap with no program in place.
- The proposed amendment to the Agreement would resolve this to allow for a shorter termination notice period that is not locked on a specific date: termination by either party given 30 days' written notice.

Vendor Outreach: N/A

Council Vision 2036 Focus Area(s):

- A clean, safe and healthy environment

Council Priority Recovery Area(s):

- Infrastructure & Environment

Committee(s): N/A

Fiscal Impact: None.

Suggested Motion:

- Motion to adopt a resolution authorizing the City Manager to sign an amendment to the Regional Air Quality Program Interlocal Agreement with Buncombe County to permit termination of the Agreement with 30-day notice.

Attachment(s):

- Resolution

City of Asheville Resolution Number 26-___

Resolution authorizing the City Manager to sign an amendment to the Regional Air Quality Program Interlocal Agreement with Buncombe County to amend termination provisions.

Whereas, pursuant to North Carolina General Statutes Section 143-215.112, the City of Asheville has had an agreement in place with Buncombe County establishing a Regional Air Quality Program since 2000 (the “Interlocal Agreement”); and

Whereas, pursuant to North Carolina General Statutes Section 160A-461, the City of Asheville may enter into contracts or agreements with other local governments in order to execute an undertaking; and

Whereas, the Interlocal Agreement renews automatically for one-year terms on July 1 of each year but may be cancelled provided that notice is provided by March 1; and

Whereas, the County is changing the governance structure of the Air Quality program, necessitating termination of the Interlocal Agreement with shorter notice than the Interlocal Agreement currently allows; and

Whereas, the City and Buncombe County wish to amend the Interlocal Agreement to allow for 30-day written notice of termination.

Now, Therefore, be it resolved by the City Council of the City of Asheville that:

The City Manager is hereby authorized to sign an amendment to the Regional Air Quality Program Interlocal Agreement with Buncombe County to permit termination of the Agreement with 30-day notice.

Read, approved and adopted this 23rd day of June, 2026.

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Esther E. Manheimer, Mayor

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Brad Branham, City Attorney

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Magdalen Burleson, City Clerk