

Sec. 4-6. Air pollution control board; bureau of air pollution control; persons required to comply with chapter.

(a) Air pollution control board.

(1) There is hereby created the Chattanooga Hamilton County Air Pollution Control board, hereinafter referred to as "the board," to be composed of ten (10) members, three (3) of whom are to be appointed by the county mayor and confirmed by the county board of commissioners; three (3) of whom are to be appointed by the mayor of the city, and confirmed by the city council; three (3) of whom are to be appointed jointly by the county mayor and the mayor of the city and confirmed by both the county board of commissioners and the city council. The terms of members shall be four (4) years. Whenever a vacancy occurs, the vacancy shall be filled for the unexpired term of the same member as the original appointment. If a member of the board unjustifiably fails to attend three (3) consecutive regular meetings, the chairman of the board may notify in writing the mayor and city council if appointed by the mayor, or county mayor and county board of commissioners if appointed by the county mayor, or both if appointed jointly. The mayor or county mayor or both shall immediately request the resignation of such board member and a new board member shall be appointed promptly to fill the vacancy. The administrator of the Chattanooga-Hamilton County Health Department or their designated representative shall be an ex-officio voting member; provided, however, that if the administrator of the Chattanooga-Hamilton County Health Department desires to designate a representative such designation shall be made on an annual basis and in writing prior to June thirtieth of each year and such designated representative shall serve as the ex-officio member in the place of the administrator of the Chattanooga-Hamilton County Health Department during the year for which that person has been designated by the administrator of the Chattanooga-Hamilton County Health Department. Provided further, that should the designated representative resign or otherwise terminate their employment with the Chattanooga-Hamilton County Health Department such shall terminate their appointment to and service upon, the board.

(2) The members of the board shall have the following qualifications: They shall be residents of the county. Industry may have no more than three (3) members active or retired, of whom no more than one (1) shall be from any major two digit grouping as defined by the Standard Industrial Classification Manual (1987) of the United States Department of Commerce. The Chairman of the board shall have the right to vote on all matters. Members shall be selected for merit without regards to political affiliation; the mayor of the city and county mayor in their appointments shall select persons for their ability and all appointments shall be of such nature as to aid the work of the board, to inspire the highest degree of confidence and cooperation in furthering the policy of this chapter. The appointing authority (or authorities) shall, in making an appointment, assure that the membership of the board shall have at least a majority of members who represent the public interest and do not derive any significant portion of their income from persons subject to permits or enforcement orders under this chapter. Any member of the board

who has any conflict of interest or potential conflict of interest shall make adequate disclosure of it and abstain from voting on matters related to it.

- (3) The board shall select annually a chairman, vice-chairman and Secretary from among its members as officers; each officer shall have the right to vote on all matters, and shall hold office until the expiration of the term for which elected and thereafter until his successor has been elected. The board shall hold at least two (2) regular meetings each year and such additional meetings as the chairman deems desirable, at a place within this county and time to be set by the chairman. Special meetings shall be called by the Chairman upon written request of any four (4) members. Six (6) members shall constitute a quorum.
- (4) All members of the board shall serve without compensation but shall receive their actual expenses incurred in attending meetings of the board and the performance of any duties as members or by direction of the board.
- (5) The board may employ and discharge such employees and consultants as may be necessary for the administration of this chapter with the approval of the mayor, county mayor and chairman of the board or with the approval of any two (2) of such officials. Subject to any applicable restrictions contained in law, all departments and agencies of the county shall, upon request, assist the board in the performance of its duties, with or without charge. The board may compensate such other agencies for services.

THIS IS THE FEDERALLY APPROVED REGULATION AS OF MAY 8, 1990

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