

Chapter 4.40

AIR POLLUTION CONTROL AGENCY

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4.40.010 Lincoln-Lancaster County Air Pollution Control Agency Created.

Pursuant to LB 939, passed by the 1971 Nebraska Legislature, Resolution No. 2628 adopted by the Lancaster County Board of Commissioners on February 2, 1971, and Chapter 8.06 of the Lincoln Municipal Code and upon approval of the Board of Commissioners of Lancaster County, Nebraska, there shall be and is hereby created a Lincoln-Lancaster County Air Pollution Control Agency which shall have the purpose of accomplishing the most efficient and economical use of the resources of the county and city in combatting air pollution, to promote harmony in the administration of the antipollution regulatory powers of the county and city, the regulated industries and all other entities regulated by the county and city and to insure the fullest protection of the citizens of the city and county against damage either present or future as a result of air pollution. Such agency is designated as the regional agency to handle air pollution control problems for the City of Lincoln, Lancaster County and all incorporated villages of Lancaster County who join said agency. The agency may contract with the State Environmental Control and any incorporated villages in Lancaster County for the purpose of enforcing their respective air pollution control measures anywhere in Lancaster County provided that any such agreement shall be approved by the City of Lincoln and Lancaster County. (P.C. §8.65.010: Ord. 10231 §1; August 16, 1971).

4.40.020 City-County Agreement.

That pursuant to Sections 23-2201 through 2207 Neb. Rev. Stat. (Interlocal Cooperation Act) the Mayor is hereby authorized to approve the attached agreement between the city and county and submit the same to the Board of Commissioners of Lancaster County for its consideration and approval. Said agreement is for the establishment, maintenance and operation of the Lincoln-Lancaster County Air Pollution Control Agency. (P.C. §8.65.020: Ord. 10231 §2; August 16, 1971).

4.40.030 Agency Membership and Organization.

The Lincoln-Lancaster County Air Pollution Control Agency shall consist of as many full-time employees as is necessary to fulfill the duties placed upon the agency by this ordinance and by said LB 939. The Director of the Lincoln-Lancaster County Health Department may, in his discretion, assign employees of the Health Department as part-time employees of the Agency. The air pollution control officer as

designated in Section 8.06.030 of the Lincoln Municipal Code shall be in charge of the Agency and shall carry out the duties assigned to him by that section as well as any duty imposed upon him by the creation of the Agency (P.C. §8.65.030: Ord. 10231 §3; August 16, 1971).

4.40.040 Agency Administration.

The Lincoln-Lancaster County Air Pollution Control Agency shall be housed and administered as a section of the division of environmental health of the Lincoln-Lancaster County Health Department. Personnel management, including pay records and procedures, vacation, sick leave, fringe benefits and other related personnel matters shall be administered by the Lincoln-Lancaster County Health Department. The job specifications assigned to the air pollution agency staff of the Lincoln-Lancaster County Health Department at the time of the adoption of this ordinance, shall be retained. The budget of the Lincoln-Lancaster County Air Pollution Control Agency, including salary structure, shall be part of the Lincoln-Lancaster County Health Department budget. The proposed budget of the Lincoln-Lancaster County Air Pollution Control Agency shall be submitted, reviewed and approved in the same manner as the budget for the Lincoln-Lancaster County Health Department. (P.C. § 8.65.040: Ord. 10231 §4; August 16, 1971).

4.40.050 Financing.

The City of Lincoln and the County of Lancaster may provide funds, equipment and accommodations necessary for the work of the Lincoln-Lancaster County Air Pollution Control Agency, but the expenditures of the agency, exclusive of gifts or grants, shall be within the amounts appropriated for that purpose by the City Council and by the County Board of Commissioners, and no expenditures nor agreements for expenditures shall be valid in excess of such amounts. Maximum utilization shall be made of federal grant funds and the securing of federal grant funds and the management thereof shall be under the direction and supervision of the air pollution control officer, or as otherwise directed by the Director of the Lincoln-Lancaster County Health Department as head of the grantee agency for the receipt of federal funds as designated by the federal government. The Finance Director of the City of Lincoln shall serve as "payee" under the terms and regulations as defined in the Federal Clean Air Act and amendments thereto. (P.C. §8.65.050: Ord. 10231 §5; August 16, 1971).