DRAFT New Mexico Utility Operator Certification Advisory Board By-Laws

I. **DEFINITIONS:** As used in the Utility Operators Certification Act [61-33-1 NMSA 1978]:
   i. "certified operator" means a person who is certified by the department as being qualified to operate one of the classifications of public water supply systems or public wastewater facilities;
   ii. "commission" means the water quality control commission;
   iii. "department" means the department of environment;

II. **PURPOSE:**
   i. Pursuant to NMAC 20.7.4.29 and NM Statute section 61-33-4 (C) Utility Operators Certification Advisory Board (Board) shall be appointed by the Water Quality Control Commission to function with the Commission to establish qualifications of operators, classify public water supply systems and public wastewater facilities, adopt rules and advise the New Mexico Environment Department on the administration of the Utility Operators Certification Act.

III. **MEMBERSHIP:**
   i. The Utility Operator Certification Advisory Board shall consist of seven regular members and two alternates. All board members shall be New Mexico certified operators. Alternates shall serve in the absence of the seven regular members. The commission shall appoint new board members at its first meeting of each fiscal year.
   ii. Two of the regular advisory board members selected by the board shall sit as commission members on matters to which that act is applicable;
   iii. Any board member failing to attend three consecutive regular meetings is automatically removed as a member of the board. The commission may remove any member of the board for neglect of any duty required by law, for incompetence or for unprofessional conduct and shall remove any board member who violates any provision of the act. The commission shall fill any vacancies on the board.
   iv. The commission may remove any member of the board for neglect of any duty required by law, for incompetence or for unprofessional conduct and shall remove any board member who violates any provision of the act. The commission shall fill any vacancies on the board. [20.7.4.29 NMAC -Rp, 20 NMAC 7.4.209,1-26-01; A, 11-15-06]

IV. **BOARD ELECTIONS:**
   i. At the first meeting of each fiscal year, the board shall elect from its membership a chairman, a vice chairman and two members to sit as commission members on all matters to which the act is applicable.

V. **BOARD TERMS:**
   i. Appointments to the board shall be for three-year terms. The terms shall overlap so that no more than three terms shall expire in any one year.

ii. Alternates appointed prior to the effective date of this part will be allowed to serve out the remainder of their three-year terms.

VI. BOARD QUALIFICATIONS:

All board members shall be New Mexico certified operators.

VII. DUTIES: The commission shall properly notify the board of all matters brought before the commission to which the act is applicable. The board shall be responsible for:

i. Function with the commissions to;
    i. establish qualifications of operators;
    ii. classify public water supply systems and public wastewater facilities;
    iii. adopt rules and advise the department on the administration of the Utility Operators Certification Act
ii. Reviewing proposed rules, regulations and guidelines regarding the administration of the act for action by the commission including:
    i. the basis for classifying public water supply systems and public wastewater facilities;
    ii. qualifications for the various classifications of operators
    iii. proposing criteria for the evaluation of the minimum number of certified operators needed to operate a public water supply system or public wastewater facility; and
    iv. developing criteria for the classification of wastewater laboratory technicians based on the complexity of analytical work performed;
iii. Reviewing proposed examinations for each level and type of certification;
iv. Proposing criteria for the evaluation of applicant qualifications;
v. Reviewing applications for issuance of certificates by reciprocity or endorsement;
vi. Proposing criteria for the evaluation of proposed training programs;
vii. Making recommendations to the commission for replacement when a board vacancy occurs; and
viii. Performing any other function in regard to the act as directed by the commission.

VIII. MEETINGS

i. Meetings will be held quarterly
ii. Quorum shall consist of at least four members
iii. Procedures and guidelines for conducting meetings are in accordance with Roberts Rules of Order