

**MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
REGULAR GOVERNING BOARD MEETING
MONDAY, AUGUST 28, 2017 - 10:00 A.M.
BOARD CHAMBERS, MDAQMD OFFICES
VICTORVILLE, CA**

MINUTES

Board Members Present:

Jim Cox, Chair, City of Victorville
Jeff Williams, Vice Chair, City of Needles
John Cole, City of Twentynine Palms
Joseph "Joey" DeConinck, City of Blythe
Carmen Hernandez, City of Barstow
V. Manuel Perez, Riverside County
James Ramos, San Bernardino County
Barbara Riordan, Public Member
Paul Russ, City of Hesperia
Barb Stanton, Town of Apple Valley

Board Members Absent:

Ed Camargo, City of Adelanto
Robert Leone, Town of Yucca Valley
Robert Lovingood, San Bernardino County

CALL TO ORDER

Chair **JIM COX** called the meeting to order at 10:00 a.m. and asked Executive Director **BRAD POIRIEZ** to lead the Pledge of Allegiance.

Chair **JIM COX** asked for roll call; roll was called.

Chair **JIM COX** called for items with potential conflict of interest – for information only: A. Item #11. MDAQMD Governing Board Members; Mr. Brad Poiriez.

Chair **JIM COX** called for PUBLIC COMMENT – None made at this time.

CLOSED SESSION

Upon Motion by Board Member **PAUL RUSS**, Seconded by Board Member **BARB STANTON** and carried by unanimous roll call vote, the Board adjourned to Closed Session at 10:04 a.m.

Agenda Item 1 - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Name of Case: Michele Baird vs MDAQMD et. al CIVDS 1612446 San Bernardino County Superior Court (Government Code Section 54956.9).

Agenda Item 2 - CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: (1 Case).

Agenda Item 3 - PUBLIC EMPLOYEE PERFORMANCE EVALUATION – (Government Code Section 54957). Title: Executive Director.

Agenda Item 4 - CONFERENCE WITH LABOR NEGOTIATORS – (Government Code Section 54957.6). Agency Designated Representative: Personnel Committee. Unrepresented Employee: Executive Director.

OPEN SESSION - Disclosure of any Reportable Action(s) taken in Closed Session(s); and the Vote and Abstention of Every Member Present in the Closed Session.

The Governing Board reconvened to open session at 10:40 a.m., and Special Counsel **Piero Dallarda** stated that the Board met in Closed Session on all items with no reportable action for all items.

CONSENT CALENDAR - The following consent items were acted upon by the Board at one time without discussion, upon motion by Board Member **BARBARA RIORDAN**, Seconded by Board Member **PAUL RUSS**, and carried by the following roll call vote, with nine **AYES** votes by Board Members **JOHN COLE, JIM COX, JOSEPH DECONINCK, CARMEN HERNANDEZ, V. MANUEL PEREZ, BARBARA RIORDAN, PAUL RUSS, BARB STANTON and JEFF WILLIAMS** as follows:

Agenda Item 5 – Approve Minutes from Regular Governing Board Meeting of June 26, 2017.
Approved the minutes from the Regular Governing Board meeting of June 26, 2017.

Agenda Item 6 – Receive and file the Technical Advisory Committee meeting minutes of August 7, 2017.
Received and filed the Technical Advisory Committee meeting minutes of August 7, 2017.

Agenda Item 7 – Receive and file the Financial Report for FY 17, the period April and May 2017 which provides financial information and budget performance concerning the fiscal status of the District.
Received and filed the Financial Report for FY 17, the period April and May 2017 which provides financial information and budget performance concerning the fiscal status of the District.

Agenda Item 8 – Receive and file the Legislative Report for August 1, 2017.
Received and filed the Legislative Report for August 1, 2017.

Agenda Item 9 – DEFERRED ITEMS:
None

Agenda Item 10 – PUBLIC COMMENT.
None

Agenda Item 11 – Consider recommendation(s) of the Personnel Committee and discuss potential amendments to the Employment Agreement with the Executive Director/Air Pollution Control Officer; adopt such amendments (if any); authorize the Chairman of the Governing Board to sign the amended agreement; and direct staff actions.

Considered recommendation(s) of the Personnel Committee and **discussed** potential amendments to the Employment Agreement with the Executive Director/Air Pollution Control Officer; **adopted** such amendments (if any); **authorized** the Chairman of the Governing Board to sign the amended agreement; and direct staff

actions. Upon motion by Board Member **JOHN COLE**, Seconded by Board Member **JEFF WILLIAMS**, and carried by the following roll call vote, with nine **AYES** votes by Board Members **JOHN COLE, JIM COX, JOSEPH DECONINCK, CARMEN HERNANDEZ, V. MANUEL PEREZ, BARBARA RIORDAN, PAUL RUSS, BARB STANTON and JEFF WILLIAMS** the Board **amended and approved the Employment Agreement between the MDAQMD and Brad Poiriez on this date August 28, 2017 to #1: extend the term of the contract one year to June 30, 2021 and revise Section 4 Severance Pay to read “during the final 12 months of this agreement that is year four or any year thereafter”; #2 add a provision to Section 5 Salary “subject to a satisfactory annual performance evaluation Governing Board authorize a lump sum award in the amount of a 2.5%,” #3 revise the auto allowance in Section 8 to \$1,200.00 per month; and #4 revise the vacation leave accrual in Section 9 to four weeks per year.**

Agenda Item 12 – Conduct a continued public hearing to consider the amendment of Rule 1162 – Polyester Resin Operations: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the California Environmental Quality Act (CEQA) Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, amending the Rule and directing staff actions.

Chair **JIM COX** opened the public hearing. Staff Member Alan De Salvio presented the staff report. Chair **JIM COX** solicited public comment, being none; Chair **JIM COX** closed the public hearing. **Made** a determination that the California Environmental Quality Act (CEQA) Categorical Exemption applies; f. **Waived** reading of Resolution; g. **Adopted** Resolution making appropriate findings, certifying the Notice of Exemption, amending the Rule and directing staff actions. Upon motion by Board Member **BARBARA RIORDAN**, Seconded by Board Member **CARMEN HERNANDEZ**, and carried by the following roll call vote, with nine **AYES** votes by Board Members **JOHN COLE, JIM COX, JOSEPH DECONINCK, CARMEN HERNANDEZ, V. MANUEL PEREZ, BARBARA RIORDAN, PAUL RUSS, BARB STANTON and JEFF WILLIAMS** the Board **adopted RESOLUTION 17-14, titled, “A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, AMENDING RULE 1162 – POLYESTER RESIN OPERATIONS AND DIRECTING STAFF ACTIONS.”**

Agenda Item 13 – Receive and file a presentation from the Air Monitoring Section describing the work and responsibilities associated with collecting air quality related data.

Received and filed a presentation from the Air Monitoring Section describing the work and responsibilities associated with collecting air quality related data (no motion required, informational item only).

Agenda Item 14 – Reports:

Executive Director Brad Poiriez:

- Mr. Poiriez informed the Board that security has been enhanced and visitors are required to sign-in and be escorted while on-site. An added expense has been added for security that will be addressed in the budget.
- Mr. Poiriez stated that the summer intern program has concluded with another successful year. Two interns: one in CRE and one in Operations. Special thank you to Roseana Brasington, Catherine Tran and Violette Roberts for their support in this program.

Mr. Poiriez updated the Board of past events:

- July 10th – District staff met with Southern California Gas to begin discussions on modifications and

- permitting of Blythe Compressor Station;
- o July 12th – the District hosted the High Desert Public Relations Coalition;
- o July 17th –California Legislature passed AB 398 extending Cap & Trade program to 2030; also passed was AB 617, the companion bill which will have impacts to local air districts in terms of workload (planning, monitoring, rule development) with no identified or secured funding mechanism;
- o July 17th – the District’s new website went live and is more user friendly and modern; special thank you to William Berghoff and Violette Roberts for their support and commitment to this project;
- o July 20th – attended Lucerne & Johnson Valley Municipal Advisory Council, and discussed dust control issues & solar project issues;
- o August 4th – Apple Valley EV Charging Station officially opened to the public (\$19,000 granted from the District); Hesperia EV Charging Station moving forward with a grant from the District;
- o August 7th – the District hosted a TAC meeting to discuss Rule 1162 which was presented today and 5 other rules to come hopefully in October for Board approval;
- o August 21st & 22nd – attended CAPCOA Medium Section meeting, discussed items such as impacts from the passing of recent legislation (AB 398 & AB 617): funding, CARB Programs, Cap & Trade, Oil & Gas MOU.

Mr. Poiriez informed the Board of upcoming events:

- o He will be attending the EPA National Air Quality Conference; and the Association of Air Pollution Control Agencies Fall Business Meeting in Austin, TX.
- o November 14th – 16th – CDAWG Conference Reno, Nevada

Agenda Item 15 - Board Member Comments and Suggestions for Future Agenda Items.

- Board Member **STANTON** publicly thanked the District for the grant supporting the Electric Vehicle Charging Station in the Town of Apple Valley that just recently opened; and ask Brad Poiriez to speak about the upcoming CDAWG Conference.

Being no further business, Chair **JIM COX** adjourned the meeting at **11:24 a.m.** to the next Regular Meeting of **September 25, 2017.**

ACTION OF THE GOVERNING BOARD

APPROVED

Upon Motion by **BARB STANTON**, Seconded by **JOHN COLE**, as approved by the following roll call vote:

Ayes: 7 COLE, COX, DECONINCK, HERNANDEZ, RIORDAN, STANTON, WILLIAMS

Noes:

Absent: 3 PEREZ, RAMOS, RUSS

Abstain: 3 CAMARGO, LEONE, LOVINGOOD

Vacant:

DEANNA HERNANDEZ, EXECUTIVE OFFICE MANAGER

BY 

Dated: SEPTEMBER 25, 2017