

**MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
REGULAR GOVERNING BOARD MEETING
MONDAY, OCTOBER 23, 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
Ed Camargo, City of Adelanto
John Cole, City of Twentynine Palms
Joseph “Joey” DeConinck, City of Blythe
Robert Leone, Town of Yucca Valley
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:

Carmen Hernandez, City of Barstow
Robert Lovingood, San Bernardino County

CALL TO ORDER

Chair **JIM COX** called the meeting to order at 10:00 a.m. and asked Board Member **JEFF WILLIAMS** 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: Item #10. District Board Members and Officers; Environmental Engineering Studies, Inc.

Noted for the record – typo on agenda for items with potential conflict – should read, “District Board Members and Officers; Environmental Engineering ***Studies***, Inc., not “District Board Members and Officers; Environmental Engineering ***Services***, Inc.”

Chair **JIM COX** called for PUBLIC COMMENT – Public comment made by Mr. Thomas Lamb representing Needles Assembly of GOD. Mr. Lamb commented on alleged asbestos contamination of a church and school and a building located at 539 West Broadway, Needles, CA.

CLOSED SESSION

District Counsel Karen K. Nowak stated that there was no update on either closed session item since the last meeting. Upon consensus of the Board, both Closed Session items were waived.

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).

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.

No reportable action occurred as items were waived by consensus of the Board

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

Agenda Item 3 – Approve Minutes from Regular Governing Board Meeting of September 25, 2017.
Approved the minutes from the Regular Governing Board meeting of September 25, 2017.

Agenda Item 4 – Receive and file the Technical Advisory Committee meeting minutes of October 3, 2017.
Received and filed the Technical Advisory Committee meeting minutes of October 3, 2017.

Agenda Item 5 – Amend Governing Board Policies 96-03, "Internet Access and Presence;" and 06-02, "Authority of District Counsel;" and delete Governing Board Policy, 04-01, "District Counsel Electronic Communication, Electronic Documents, Attorney Client Privilege, and Work Product Privilege."
Amended Governing Board Policies 96-03, "Internet Access and Presence;" and 06-02, "Authority of District Counsel;" and delete Governing Board Policy, 04-01, "District Counsel Electronic Communication, Electronic Documents, Attorney Client Privilege, and Work Product Privilege."

Agenda Item 6 – Receive and file the revised "Carl Moyer Program Policies & Procedures Manual" incorporating the 2017 Revisions to the Carl Moyer Program Guidelines from the California Air Resources Board (CARB) and certain administrative updates.
Received and filed the revised "Carl Moyer Program Policies & Procedures Manual" incorporating the 2017 Revisions to the Carl Moyer Program Guidelines from the California Air Resources Board (CARB) and certain administrative updates.

Agenda Item 7 – Receive and file revised "Carl Moyer Program Voluntary Accelerated Vehicle Retirement Program Work Plan" incorporating the 2017 Revisions to the Carl Moyer Program Guidelines from the California Air Resources Board (CARB) and certain administrative updates.
Received and filed revised "Carl Moyer Program Voluntary Accelerated Vehicle Retirement Program Work Plan" incorporating the 2017 Revisions to the Carl Moyer Program Guidelines from the California Air Resources Board (CARB) and certain administrative updates.

Agenda Item 8 – Allocate funds from the Mobile Source Emissions Reduction Program (AB 2766) Grant Fund not to exceed \$150,000 for continued implementation of the MDAQMD Voluntary Accelerated Vehicle Retirement (VAVR) Program for program expenditures July 1, 2017 through December 31, 2018.

Allocated funds from the Mobile Source Emissions Reduction Program (AB 2766) Grant Fund not to exceed \$150,000 for continued implementation of the MDAQMD Voluntary Accelerated Vehicle Retirement (VAVR) Program for program expenditures July 1, 2017 through December 31, 2018.

Agenda Item 9 – Allocate funds from the Mobile Source Emissions Reduction Program (AB 2766) Grant Fund not to exceed \$40,000 to purchase and install equipment and associated programing to upgrade the video conferencing sound system.

Allocated funds from the Mobile Source Emissions Reduction Program (AB 2766) Grant Fund not to exceed \$40,000 to purchase and install equipment and associated programing to upgrade the video conferencing sound system.

Agenda Item 10 – Authorize a Fifth Amendment to the contract with Environmental Engineering Studies, Inc. (EES) continuing the administration of the Districts Voluntary Accelerated Vehicle Retirement (VAVR) Program, and authorize the Executive Director to execute the extension and revise the administrative terms of the contract as needed, approved as to legal form, through December 2018.

Authorized a Fifth Amendment to the contract with Environmental Engineering Studies, Inc. (EES) continuing the administration of the Districts Voluntary Accelerated Vehicle Retirement (VAVR) Program, and **authorized** the Executive Director to execute the extension and revise the administrative terms of the contract as needed, approved as to legal form, through December 2018.

Agenda Item 11 – Receive and file the Legislative Report for October 5, 2017.

Received and filed the Legislative Report for October 5, 2017.

Agenda Item 12 – DEFERRED ITEMS:

None

Agenda Item 13 – PUBLIC COMMENT.

Chair **JIM COX** called for PUBLIC COMMENT – Public comment made by Ms. Blanca Gomez Councilmember City of Victorville sitting as an audience member. Ms. Gomez commented on Agenda Item #18. Ms. Gomez applauded Ms. Haggard on her presentation of the Permit Engineering overview as exemplary and should be a new trend for local municipalities to implement. This allows for a through transparent understanding of how local communities work and operate.

Agenda Item 14 – Conduct a public hearing to consider the amendment of Rule 102 – *Definition of Terms*: 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 Rule 102 – *Definition of Terms* 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 **ED CAMARGO**, and carried by the following roll call vote, with ten **AYES** votes by Board Members **ED CAMARGO, JOHN COLE, JIM COX, JOSEPH DECONINCK, ROBERT LEONE, V. MANUEL PEREZ, BARBARA RIORDAN, PAUL RUSS, BARB STANTON and JEFF WILLIAMS** the Board **adopted RESOLUTION 17-15, titled, “A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, AMENDING RULE 102 – DEFINITION OF TERMS AND DIRECTING STAFF ACTIONS.”**

Agenda Item 15 – Conduct a public hearing to consider the amendment of Rule 461 – Gasoline Transfer and Dispensing, Rule 462 – Organic Liquid Loading and Rule 463 – Storage of Organic Liquids and continue public hearing to January 22, 2018.

Chair **JIM COX** opened the public hearing and continued public hearing to January 22, 2018.

Agenda Item #16 – Conduct a public hearing to consider the amendment of Rule 1115 – Metal Parts & Products Coating Operations and continue public hearing to January 22, 2018.

Chair **JIM COX** opened the public hearing and continued public hearing to January 22, 2018.

Agenda Item #17 – Conduct a public hearing to consider amendments to proposed Rule 1160 – Internal Combustion Engines and continue public hearing to January 22, 2018.

Chair **JIM COX** opened the public hearing and continued public hearing to January 22, 2018.

Agenda Item #18 – Receive and file a presentation from the Engineering Section describing the work and responsibilities associated with engineering activities.

Received and filed a presentation from the Engineering Section describing the work and responsibilities associated with engineering activities.

Agenda Item 19 – Reports:

Executive Director Brad Poiriez:

- Mr. Poiriez recognized a 20 year milestone for staff member Jean Bracy and a 10 year milestone for staff member Trevor Samorajski;
- Mr. Poiriez informed the Board that the District was notified by staff of California Air Resources Board (CARB) on October 13, 2017 that they will be proposing to CARB’s Board that Central San Bernardino County Portion of MDAQMD be designated as ATTAINMENT for the State’s PM 2.5 Standard that is currently non-attainment;
- Mr. Poiriez informed the Board that most likely the District will not have a meeting in November or December due to lack of quorum and holidays;
- Mr. Poiriez informed the Board that the next Governing Board Meeting will be January 22, 2018.

Mr. Poiriez updated the Board of past events:

- October 2nd – spoke with CARB in regards to signing the MOA to implement CARB Oil & Gas Rule;
- October 5th – met with Board Member Camargo, Adelanto City Manager Gabriel Elliot and a Marijuana Industry Representative to discuss permitting requirements for marijuana cultivation & processing;
- October 12th – attended kickoff for Route 66 Veterans Memorial Corridor with Board Members Riordan

and Hernandez; the District was a sponsor of this event.

Mr. Poiriez informed the Board of upcoming events:

- October 23rd – 26th – attending the CAPCOA Fall Membership Conference, Monterey, CA after today's meeting;
- October 30th – will meet with District Management Staff to discuss succession planning and continue with the reorganization efforts for the District;
- October 31st – the District will hold a Halloween costume contest and BBQ lunch cookout for staff;
- November 2nd – 3rd – attending the Environmental Health Leadership Summit in Heber, CA;
- November 2nd – CRE Manager Violette Roberts attending the High Desert Opportunity at the Victoria Gardens Cultural Center;
- November 7th – 9th – attending WESTAR/WRAP Board of Directors meeting in Denver, CO;
- November 14th – 16th – CDAWG Conference in Reno, NV;

Special note from Mr. Poiriez:

“Wish you all a Happy Halloween, Happy Thanksgiving, Merry Christmas and a Happy New Year. Will most likely see you all next year unless there is a need for a special meeting.”

Agenda Item 20 - Board Member Comments and Suggestions for Future Agenda Items.

- Board Member **Leone** happy holidays to all.
- Board Member **Stanton** happy holidays and thank you to all for all your efforts.
- Board Member **Riordan** thanked Brad and Violette for the Route 66 Veterans Memorial kick-off.
- Board Member **Camargo** happy holidays to all.
- Board Member **Williams** happy holidays to all.
- Board Member **Russ** happy holidays.

Being no further business, Chair **JIM COX** adjourned the meeting at **11:19 a.m.** to the next Regular Meeting of **November 27, 2017.**

ACTION OF THE GOVERNING BOARD

APPROVED

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

Ayes: 10 CAMARGO, COLE, COX, DECONINCK, LEONE, PEREZ, RIORDAN, RAMOS, SWANSON, WILLIAMS

Noes:

Absent: 1 STANTON

Abstain: 2 HERNANDEZ, LOVINGOOD

Vacant:

DEANNA HERNANDEZ, SENIOR EXECUTIVE ANALYST

BY 

Dated: JANUARY 22, 2018