

**MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
REGULAR GOVERNING BOARD MEETING
MONDAY, MARCH 27, 2017 - 10:00 A.M.
BOARD CHAMBERS, MDAQMD OFFICES
VICTORVILLE, CA**

MINUTES

Board Members Present:

Jim Cox, Chair, City of Victorville
Carmen Hernandez, City of Barstow
Joseph “Joey” DeConinck, City of Blythe
Robert Leone, Town of Yucca Valley
Rebekah Swanson (Alternate), City of Hesperia
Barb Stanton, Town of Apple Valley
John Cole, City of Twentynine Palms
Ed Camargo, City of Adelanto
Barbara Riordan, Public Member
Marion Ashley, Riverside County
Jeff Williams, Vice Chair, City of Needles

Board Members Absent:

Robert Lovingood, San Bernardino County
James Ramos, San Bernardino County

CALL TO ORDER

Chair **JIM COX** called the meeting to order at 10:01 a.m. and lead the Pledge of Allegiance.

Chair **JIM COX** called for Rebekah Swanson, Alternate for the City of Hesperia, to be sworn in; Rebekah Swanson was sworn in.

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

Chair **JIM COX** called for items with potential conflict of interest clarification; clarification was given by Special Counsel Piero Dallarda.

Chair **JIM COX** called for PUBLIC COMMENT – Public comment made by Mr. Fred Lowe representing Teamsters Local 1932. Mr. Lowe commented on recent improvements in labor-management relations.

CLOSED SESSION

Upon Motion by Board Member **REBEKAH SWANSON**, Seconded by Board Member **JEFF WILLIAMS** and carried by unanimous roll call vote, the Board adjourned to Closed Session at 10:10 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 LABOR NEGOTIATORS (Government Code Section 54957.6). Agency Designated Representatives: Brad Poiriez. Employee Organization: Teamsters Local 1932.

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 10:59 a.m., and Special Counsel **Piero Dallarda** stated that the Board met in Closed Session on Items #1 and #2 with no reportable action on Item #2. Special Counsel Dallarda reported for Item #1 the District received a tort claim dated February 28, 2017 from Ms. Baird’s counsel regarding various allegations related to the ongoing litigation. There is an untimely portion of the claim which deals with events that predates August 28, 2016 those portions of the claim are being returned without action. As to the portion of the claim with respect to events that are contained in the claim that allegedly occurred after August 28, 2016 the Governing Board has voted to reject that portion of the claim carried with ten **AYES** votes by Board Members **JOSEPH DECONINCK, MARION ASHLEY, ED CAMARGO, CARMEN HERNANDEZ, BARB STANTON, BARBARA RIORDAN, JIM COX, JOHN COLE, JEFF WILLIAMS** and **ROBERT LEONE** and one **abstention** by Board Member **REBEKAH SWANSON**.

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 unanimous roll call vote, with eleven **AYES** votes by Board Members **JOSEPH DECONINCK, MARION ASHLEY, REBEKAH SWANSON, ED CAMARGO, CARMEN HERNANDEZ, BARB STANTON, BARBARA RIORDAN, JIM COX, JOHN COLE, JEFF WILLIAMS** and **ROBERT LEONE** as follows:

Agenda Item 3 – Approve Minutes from Regular Governing Board Meeting of February 27, 2017.

Approved the minutes from the Regular Governing Board meeting of February 27, 2017.

Agenda Item 4 – Amend Governing Board Policy 94-1, Authority of the Air Pollution Control Officer (APCO).

Amended Governing Board Policy 94-1, Authority of the Air Pollution Control Officer (APCO).

Agenda Item 5 – Amend Governing Board Policy 95-1, “Processing and Providing Information Requested by Members of the Governing Board.”

Amended Governing Board Policy 95-1, “Processing and Providing Information Requested by Members of the Governing Board.”

Agenda Item 6 – Approve the staff recommended Investment Selection for the Pension Rate Stabilization Program (PRSP); Adopt the Investment Guidelines Document; and authorize the Executive Director/APCO, or designee, to execute required documents, subject to review by Counsel.

Approved the staff recommended Investment Selection for the Pension Rate Stabilization Program (PRSP); Adopt the Investment Guidelines Document; and authorize the Executive Director/APCO, or designee, to execute required documents, subject to review by Counsel.

Agenda Item 7 – Approve staff recommendation to award the engagement of audit services to Fedak & Brown, LLP, Riverside, for a period up to three fiscal years not to exceed \$85,000; authorize the Executive Director, or designee, to execute engagement agreements.

Approved staff recommendation to award the engagement of audit services to Fedak & Brown, LLP, Riverside, for a period up to three fiscal years not to exceed \$85,000; authorize the Executive Director, or designee, to execute engagement agreements.

Agenda Item 8 – 1. Ratify the “FY 16-17 Application for Carl Moyer Program Funds” and its submission to CARB, 2. Approve the required match funding for the Carl Moyer Memorial Air Quality Standards Attainment Program (the Carl Moyer Program), and 3. Authorize the Executive Director to execute the agreement, approved as to legal form, with CARB which binds the parties to the terms and conditions set forth in the application and the 2011 Carl Moyer Program Guidelines.

1. **Ratified** the “FY 16-17 Application for Carl Moyer Program Funds” and its submission to CARB, 2. **Approved** the required match funding for the Carl Moyer Memorial Air Quality Standards Attainment Program (the Carl Moyer Program), and 3. **Authorized** the Executive Director to execute the agreement, approved as to legal form, with CARB which binds the parties to the terms and conditions set forth in the application and the 2011 Carl Moyer Program Guidelines.

Agenda Item 9 – 1. Approve the selection of proposals recommended by the Mobile Source Emissions Reduction Committee (Committee) which represent projects that will reduce emissions from mobile sources within the MDAQMD; and 2. Award funds as recommended; and 3. Authorize the Executive Director to negotiate time frames and technical project details and execute an agreement, approved as to legal form, with each proponent.

1. **Approved** the selection of proposals recommended by the Mobile Source Emissions Reduction Committee (Committee) which represent projects that will reduce emissions from mobile sources within the MDAQMD; and 2. **Awarded** funds as recommended; and 3. Authorize the Executive Director to negotiate time frames and technical project details and execute an agreement, approved as to legal form, with each proponent

Agenda Item 10 – Authorize surplus of District-owned capital equipment and disposal as indicated; receive and file the Executive Director’s report of surplus and disposal for non-capital items.

Authorized surplus of District-owned capital equipment and disposal as indicated; receive and file the Executive Director’s report of surplus and disposal for non-capital items.

Agenda Item 11 – Receive and File: The Legislative Report for March 8, 2017.

Received and filed the Legislative Report for March 8, 2017.

Agenda Item 12 – Receive and File: The Financial Report for FY 17, the period January 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 January 2017 which provides financial information and budget performance concerning the fiscal status of the District.

Agenda Item 13 – DEFERRED ITEMS:

None

Agenda Item 14 – PUBLIC COMMENT.

None

Agenda Item 15 – Conduct a public hearing to consider the amendment of Rule 1104 – Organic Solvent Degreasing 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 Rule 1104 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. Upon Motion by Board Member **BARBARA RIORDAN**, Seconded by Board Member **JEFF WILLIAMS**, and carried with eleven **AYES** votes by Board Members **JOSEPH DECONINCK, MARION ASHLEY, REBEKAH SWANSON, ED CAMARGO, CARMEN HERNANDEZ, BARB STANTON, BARBARA RIORDAN, JIM COX, JOHN COLE, JEFF WILLIAMS and ROBERT LEONE** the Board **adopted** RESOLUTION 17-06, titled, “A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, AMENDING RULE 1104 – ORGANIC SOLVENT DEGREASING OPERATIONS AND DIRECTING STAFF ACTIONS.”

Agenda Item 16 – Reports:

Executive Director Brad Poiriez:

Mr. Poiriez updated the Board of past events:

- March 2nd – participated in the Association of Air Pollution Control Agencies conference call regarding ozone standards;
- March 7th – attended CAPCOA/CARB/Industry meeting to discuss AB197 Emission Visualization Tool;
- March 13th – participated in the WRAP Board conference call preparing for the next meeting in San Diego, CA;
- March 14th – the District officially notified the Teamster Local 1932 Union that the District would like to start negotiations on a new contract;
- March 15th – attended part of the MEEC Board Meeting;
- March 15th – joined San Bernardino County 1st District Supervisor Lovingood’s Staff, Oak Hills High School Principal, and Hesperia School District Superintendent at a community forum regarding a traffic study and dust.

Mr. Poiriez informed the Board of upcoming events:

- March 30th – 31st – CARB to hold PSD and Title V Permitting training classes on-site;
- April 6th – labor negotiations begin;
- April 8th – District to hold its Lawn & Garden Electric Equipment exchange;
- April 25th – 28th – attending WRAP Board meeting in San Diego, CA;
- May 1st – 4th – attending NACAA Meeting in Washington, DC; meeting with Representatives and others on the hill;

Agenda Item 17 - Board Member Comments and Suggestions for Future Agenda Items.

- Board Member Swanson thanked everyone for a warm welcome.
- Board Member Camargo thanked Staff Member Alan De Salvio for assisting with a resident in Adelanto.
- Board Member Hernandez commented on Chromium 6 in the air and would like to agendize the subject.
- Board Member Stanton wanted an explanation of the Lawn & Garden Electric Equipment exchange program.
- Board Member Riordan commented that the Lawn & Garden Electric Equipment exchange is a good program.
- Board Member John Cole thanked staff for all their efforts.
- Board Member Jeff Williams commented it was good to be back.

Being no further business, Chair **JIM COX** adjourned the meeting at **11:22 a.m.** to the next Regular Meeting of **April 24, 2017**.

ACTION OF THE GOVERNING BOARD
APPROVED

Upon Motion by **ROBERT LOVINGOOD**, Seconded by **REBEKAH SWANSON**, as approved by the following roll call vote:

**Ayes: 9 DECONINCK, HERNANDEZ, STANTON, COX,
 RIORDAN, COLE, LEONE, ASHLEY, SWANSON**

Noes:

Absent: 3 CAMARGO, RAMOS, WILLIAMS

Abstain: 1 LOVINGOOD

Vacant:

DEANNA HERNANDEZ, EXECUTIVE OFFICE MANAGER

BY Deanna Hernandez

Dated: APRIL 24, 2017