

**MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT  
REGULAR GOVERNING BOARD MEETING  
MONDAY, OCTOBER 24, 2016 - 10:00 A.M.  
BOARD CHAMBERS, MDAQMD OFFICES  
VICTORVILLE, CA**

MINUTES

Board Members Present:

Robert Lovingood, Chair, San Bernardino County  
Jim Cox, Vice-Chair, City of Victorville  
Joseph “Joey” DeConinck, City of Blythe  
Robert Leone, Town of Yucca Valley  
Jeff Williams, City of Needles  
Paul Russ, City of Hesperia  
John J. Benoit, Riverside County  
Barb Stanton, Town of Apple Valley  
John Cole, City of Twentynine Palms  
Ed Camargo, City of Adelanto  
Barbara Riordan, Public Member

Board Members Absent:

Merrill Gracey, City of Barstow (Alternate)  
James Ramos, San Bernardino County

**CALL TO ORDER**

Chair **ROBERT LOVINGOOD** called the meeting to order at 10:00 a.m. and asked Board Member **JEFF WILLIAMS** to lead the Pledge of Allegiance.

Chair **ROBERT LOVINGOOD** asked District Counsel Karen Nowak to call roll; roll was called.

Special Announcements/Presentations:

Employee Recognition Service Awards – On behalf of the Board, Chair **ROBERT LOVINGOOD** expressed thanks to Alan De Salvio and Daniel Concho for their years of service.

**CONSENT CALENDAR** - The following consent items were acted upon by the Board at one time without discussion, upon motion by Board Member **PAUL RUSS**, Seconded by Board Member **BARBARA RIORDAN**, and carried by unanimous roll call vote, with Board Member **JOHN COLE** abstaining from Item #3, as follows:

Agenda Item 1 – Approve Minutes from Regular Governing Board Meeting of September 26, 2016.

**Approved** the minutes from the Regular Governing Board meeting of September 26, 2016.

Agenda Item 2– Receive and File: The Legislative Report for October 5, 2016.

**Received and filed** the Legislative Report for October 5, 2016.

Agenda Item 3– Reappoint Larry Bowden, to the Hearing Board of the Mojave Desert Air Quality Management District (MDAQMD) as the public member for a 3 year term to expire June 30, 2019.

**Re-appointed** Larry Bowden, to the Hearing Board of the Mojave Desert Air Quality Management District (MDAQMD) as the public member for a 3 year term to expire June 30, 2019.

Agenda Item 4 – Allocate Carl Moyer Program (CMP) funds not to exceed \$100,000 for continued implementation of the MDAQMD’s Voluntary Accelerated Vehicle Retirement (VAVR) Program; and 2. Authorize the Executive Director to extend the current contract with Environmental Engineering Services (EES), approved as to legal form, through December 2017.

**Approved** to allocate Carl Moyer Program (CMP) funds not to exceed \$100,000 for continued implementation of the MDAQMD’s Voluntary Accelerated Vehicle Retirement (VAVR) Program; and 2. **Authorized** the Executive Director to extend the current contract with Environmental Engineering Services (EES), approved as to legal form, through December 2017.

Agenda Item 5 – Amend the MDAQMD Exempt Compensation Plan (ECP) to provide different benefits for employees hired on or after October 24, 2016 and employees that transition to a position in the Exempt Groups on or after that date.

**Amended** the MDAQMD Exempt Compensation Plan (ECP) to provide different benefits for employees hired on or after October 24, 2016 and employees that transition to a position in the Exempt Groups on or after that date.

Agenda Item 6 – DEFERRED FOR DISCUSSION (see Agenda Item #7 DEFERRED ITEMS).

Agenda Item 7 – DEFERRED ITEMS:

Agenda Item 6 – Amend the District’s Classification Plan to 1) Add new classifications and assign a pay range: Air Monitoring Supervisor, Compliance Supervisor, and Permit Engineering Supervisor; 2) Revise classification: Air Quality Instrument Technician; 3) Rename and revise classifications: Executive Lead to Executive Assistant; one AQS to Grants Specialist; and Deputy COB/Administrative Secretary to Administrative Secretary; and 4) Eliminate classifications: Supervising Air Quality Engineer, Lead Air Quality Instrument Technician, Lead Air Quality Planner, Lead Air Quality Specialist, Lead Air Quality Engineer, and Clerk of the Boards.

Deferred for discussion by Board Member **PAUL RUSS**. Board Member **RUSS** moved this item so the Board can have a discussion about the meet and confer and what the Board is going to do about this item and to see if anyone has a motion they would like to present. Following discussion, Upon Motion made by Board Member **JOHN BENOIT**, Second by Board Member **BARBARA RIORDAN**, and carried with eleven **AYES** votes by Board Members **JOSEPH DECONINCK, ROBERT LOVINGOOD, PAUL RUSS, BARB STANTON, JIM COX, ROBERT LEONE, JOHN BENOIT, JEFF WILLIAMS, EDWARD CAMARGO, BARBARA RIORDAN and JOHN COLE** the Board **approved** this item subject to the following conditions: representative for both the employees and management meet; following that meet and confer the Executive Officer should be empowered to consult with the Chairman and move forward with the proposed actions if they deemed appropriate; or in the alternative after that consultation schedule a special board meeting if required based upon the outcome of the meet and confer.

Agenda Item 8 – PUBLIC COMMENT.

Tracy Walters - Steward of Mojave Desert AQMD Teamsters Local 1932. Mrs. Walters addressed agenda item #6 on the consent calendar “Amendment of District’s Classification Plan.”

Agenda Item 9 – Conduct a public hearing to present the 2015 Annual Hot Spots Report and discuss its content and significance: a. Open public hearing; b. Receive 2015 Annual Hot Spots Report; c. Receive public testimony; d. Close public hearing; e. Direct staff actions.

Chair **ROBERT LOVINGOOD** opened the public hearing. Staff member Alan De Salvio presented the staff report. Chair **ROBERT LOVINGOOD** solicited public comment, being none; Chair **ROBERT LOVINGOOD** closed the public hearing. Upon Motion by Board Member **PAUL RUSS**, Second by Board Member **JEFF WILLIAMS**, and carried with eleven **AYES** votes by Board Members **JOSEPH DECONINCK, JOHN BENOIT, ROBERT LOVINGOOD, ED CAMARGO, BARB STANTON, BARBARA RIORDAN, JEFF WILLIAMS, JOHN COLE, PAUL RUSS, JIM COX and ROBERT LEONE** the Board **received and filed** the 2015 Annual Hot Spots Report.

Agenda Item 10 – Conduct a public hearing to consider the amendment of Rule 1106 Marine and Pleasure Craft Coating 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 1106 and directing staff actions.

Chair **ROBERT LOVINGOOD** opened the public hearing. Staff member Alan De Salvio presented the staff report. Chair **ROBERT LOVINGOOD** solicited public comment, being none; Chair **ROBERT LOVINGOOD** closed the public hearing. Upon Motion by Board Member **PAUL RUSS**, Second by Board Member **BARB STANTON**, and carried with eleven **AYES** votes by Board Members **JOSEPH DECONINCK, JOHN BENOIT, ROBERT LOVINGOOD, ED CAMARGO, BARB STANTON, BARBARA RIORDAN, JEFF WILLIAMS, JOHN COLE, PAUL RUSS, JIM COX and ROBERT LEONE** the Board

**adopted RESOLUTION 16-06, titled, “A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, AMENDING RULE 1106 – MARINE AND PLEASURE CRAFT COATING OPERATIONS AND DIRECTING STAFF ACTIONS.”**

Agenda Item 11 – Reports:

Executive Director Brad Poiriez:

Mr. Poiriez updated the Board of past events:

- October 4th the District held an Technical Advisory Committee (TAC) meeting, a couple of new members appointed to TAC and an agenda item will be presented in January 2017;
- October 11<sup>th</sup> he met with Board Member Joseph “Joey” DeConinck in Blythe to discuss current issues in his area and met key city staff and Palo Verde Transit Agency staff members as well as farming representatives of the area;
- October 11<sup>th</sup> he met with Board Member John Cole in Twentynine Palms to discuss current issues and interests in his area;
- Week of October 16<sup>th</sup> he attended NACAA Fall Membership Conference, keynote speaker was Janet McCabe USEPA Acting Assistant Administrator and spoke with Elizabeth Adams USEPA Acting Air Director Region 9 notifying him that Matt Lakin will be both Mojave Desert and Antelope Valley AQMD’s USEPA Region 9 liaison;
- October 20<sup>th</sup> he attended and sat on a panel for High Desert Opportunity, MDAQMD was a sponsor for this event.

Mr. Poiriez informed the Board of upcoming events:

- October 27<sup>th</sup> – 28<sup>th</sup> he will be attending the “Made in the Desert” event;
- November 16<sup>th</sup> – 17<sup>th</sup> he will be attending the California Desert Air Working Group (CDAWG) conference.

Agenda Item 12 - Board Member Comments and Suggestions for Future Agenda Items.

- Mayor Barb Stanton publicly thanked Violette Roberts and staff on the 2017 poster contest calendar.
- Mayor Pro Tem Paul Russ commented that he also attended the High Desert Opportunity conference and thanked Brad Poiriez of doing an excellent job on the panel.
- Supervisor Lovingood reminded everyone that the 2<sup>nd</sup> annual High Desert Manufacturers “Made in the High Desert” event at the High Desert Event Center (fairgrounds) is this week. This event raises awareness of local manufacturing companies, educates students about jobs and offers a direct job recruitment search for employers of the Desert. These three events are very well attended; the students are engaged; you will walk away being quite enthralled with the young people living here in our Desert.

**CLOSED SESSION**

Upon Motion by Board Member **PAUL RUSS**, 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 13 - 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 14 – CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6). Agency Designated Representatives: Brad Poiriez. Unrepresented Employees.

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 10:30 a.m.,** and Special Counsel **Piero Dallarda** stated that the Board met in Closed Session on Items #13 and #14. Special Counsel Dallarda stated for the record that there was no reportable action on Items #13 and #14.

Being no further business, Chair **ROBERT LOVINGOOD** adjourned the meeting at **10:48 a.m.** to the next Regular Meeting of *January 23, 2017*.

**ACTION OF THE GOVERNING BOARD**

**APPROVED**

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

**Ayes:**            **12**     **DECONINCK, LOVINGOOD, RUSS, STANTON, COX, WILLIAMS, CAMARGO, RIORDAN, COLE, LEONE, HERNANDEZ, RAMOS**

**Noes:**

**Absent:**

**Abstain:**       **1**     **ASHLEY**

**Vacant:**

**DEANNA HERNANDEZ, EXECUTIVE ASSISTANT**

**BY Deanna Hernandez**

**Dated: JANUARY 23, 2017**