

**Mojave Desert Air Quality Management District**  
**Brad Poiriez, Executive Director**  
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**REGULAR GOVERNING BOARD MEETING**  
**MONDAY, MARCH 25, 2019 - 10:00 A.M.**  
**MDAQMD OFFICES, BOARD CHAMBERS**  
**VICTORVILLE, CA**

MINUTES

Board Members Present:

*Jeff Williams, Chair, City of Needles*  
*Carmen Hernandez, City of Barstow*  
Merl Abel, Town of Yucca Valley  
Ed Camargo, City of Adelanto  
Jim Cox, City of Victorville  
Joseph "Joey" DeConinck, City of Blythe  
Kari Leon – Town of Apple Valley  
V. Manuel Perez, Riverside County  
Barbara Riordan, Public Member  
Dawn Rowe, San Bernardino County  
Rebekah Swanson, City of Hesperia

Board Members Absent:

Robert Lovingood, San Bernardino County  
Daniel Mintz, Sr., City of Twentynine Palms

CALL TO ORDER

Chair **JEFF WILLIAMS** called the meeting to order at 10:01 a.m.

Vice Chair **CARMEN HERNANDEZ** lead the Pledge of Allegiance.

**MOVE TO SWEARING-IN OF NEW BOARD MEMBER(S).** Chair **JEFF WILLIAMS** moved to swearing-in of new Board Member(s) **DAWN ROWE**. The Senior Executive Analyst swore-in Board Member **ROWE**.

Chair **JEFF WILLIAMS** asked for roll call; roll was called.

Chair **JEFF WILLIAMS** called for items with potential conflict of interest –

Item #6 - The parties to this agreement(s) will be the District, District Board members and officers; and the Apple Valley Unified School District, School Board, principals and agents.

Chair **JEFF WILLIAMS** called for **PUBLIC COMMENT** – None.

### **CLOSED SESSION**

District Counsel Karen K. Nowak stated that there was no update on the closed session items since the last meeting. Upon consensus of the Board, the 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 – EXISTING LITIGATION Name of Case: Victor Ramirez vs MDAQMD et. al CIVDS 1809642 San Bernardino County Superior Court (Government Code Section 54956.9).

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:

Not applicable as Closed Session was waived.

**CONSENT CALENDAR** – Chair **JEFF WILLIAMS** polled the Board to determine if any member wished to pull an item on the consent calendar. Vice Chair **CARMEN HERNANDEZ** pulled and deferred Agenda Items #4, #6, & #7 for discussion. 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 **ED CAMARGO**, and carried by the following roll call vote, with eleven **AYES** votes by Board Members **MERL ABEL, ED CAMARGO, JIM COX, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, KARI LEON, V. MANUEL PEREZ, BARBARA RIORDAN, DAWN ROWE, REBEKAH SWANSON** and **JEFF WILLIAMS**, with Board Members **MERL ABEL** and **DAWN ROWE** **ABSTAINING** on agenda item #3, as follows:

Agenda Item 3 – Approve Minutes from Regular Governing Board Meeting of February 25, 2019.  
**Approved** Minutes from Regular Governing Board Meeting of February 25, 2019.

Agenda Item 4 – Amend and update Governing Board Policy 17-01, “The Mojave Desert Clean Air Fund;” and Governing Board Policy 98-01, “Mojave Desert Supplemental Environmental Projects;” and authorize a transfer of funds in an amount not to exceed \$115,000 to the Mojave Desert Clean Air Fund.

Agenda Item deferred by Vice Chair **CARMEN HERNANDEZ**, see Agenda Item 11 – DEFERRED ITEMS.

Agenda Item 5 – Amend the District’s Classification Plan to revise the existing Class Specifications for Air Quality Specialist and Air Quality Instrument Technician to add series to these classifications, assign pay ranges; authorize the Executive Director/APCO to assign and/or

promote eligible incumbents, if applicable; and inform the Board regarding other administrative matters. Presenter: Brad Poiriez, Executive Director/APCO.

**Amended** the District's Classification Plan to revise the existing Class Specifications for Air Quality Specialist and Air Quality Instrument Technician to add series to these classifications, assign pay ranges; **authorized** the Executive Director/APCO to assign and/or promote eligible incumbents, if applicable; and inform the Board regarding other administrative matters.

Agenda Item 6 – 1) Award an amount not to exceed \$107,468.96 from the Mobile Source Emissions Reduction Fund Pool to Apple Valley Unified School District to complete the of purchase two new all-electric school buses; and 2) Authorize the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by District Counsel. Presenter: Jorge Camacho, Grants Specialist. Agenda Item deferred by Vice Chair **CARMEN HERNANDEZ**, see Agenda Item 11 – DEFERRED ITEMS.

Agenda Item 7 – 1) Authorize the acceptance of “Community Air Protection Funds Supplement to the Carl Moyer Memorial Air Quality Standards Attainment Program 2017 Guidelines” from the California Air Resource Board (CARB) in an estimated amount of \$203,927.00, 2) authorize the Executive Director/APCO to execute the grant agreement approved as to legal form, 3) authorize Executive Director/APCO to assign excess or additional funds under this program to eligible projects and direct staff to perform actions necessary to comply with program requirements. Presenter: Jorge Camacho, Grants Specialist. Agenda Item deferred by Vice Chair **CARMEN HERNANDEZ**, see Agenda Item 11 – DEFERRED ITEMS.

Agenda Item 8 – Receive and file the District Activity Report. Presenter: Brad Poiriez, Executive Director/APCO.

**Received and filed** the District Activity Report.

Agenda Item 9 – Receive and file the Financial Report for FY19, through the month of January 2019, which provides financial information and budget performance concerning the fiscal status of the District. Presenter: Jean Bracy, Deputy Director – Administration.

**Received and filed** the Financial Report for FY19, through the month of January 2019, which provides financial information and budget performance concerning the fiscal status of the District.

Agenda Item 10 – Receive and file the Legislative Report for March 1, 2019. Presenter: Brad Poiriez, Executive Director/APCO.

**Received and filed** the Legislative Report for March 1, 2019.

Agenda Item 11 – DEFERRED ITEMS.

Agenda Item 4 – Amend and update Governing Board Policy 17-01, “The Mojave Desert Clean Air Fund;” and Governing Board Policy 98-01, “Mojave Desert Supplemental Environmental Projects;” and authorize a transfer of funds in an amount not to exceed \$115,000 to the Mojave Desert Clean Air Fund. Presenter: Jean Bracy, Deputy Director – Administration.

Item removed from Consent Calendar at the request of Vice Chair **CARMEN HERNANDEZ**. Member Hernandez requested an overview of this item be given to benefit the new board members. Executive Director/APCO Brad Poiriez provided an overview and answered questions from Board Members. After discussion and upon motion of **CARMEN HERNANDEZ**, seconded by Board Member **BARBARA RIORDAN**, and carried by the following roll call vote, with eleven **AYES** votes by Board Members, **MERL ABEL, ED CAMARGO, JIM COX, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, KARI LEON, V. MANUEL PEREZ, BARBARA RIORDAN, DAWN ROWE, REBEKAH SWANSON** and **JEFF WILLIAMS**, the Board, **amended and updated** Governing Board Policy 17-01, “The Mojave Desert Clean Air Fund;” and Governing Board Policy 98-01, “Mojave Desert Supplemental Environmental Projects;” and authorize a transfer of funds in an amount not to exceed \$115,000 to the Mojave Desert Clean Air Fund.

Agenda Item 6 – 1) Award an amount not to exceed \$107,468.96 from the Mobile Source Emissions Reduction Fund Pool to Apple Valley Unified School District to complete the of purchase two new all-electric school buses; and 2) Authorize the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by District Counsel. Presenter: Jorge Camacho, Grants Specialist. Item removed from Consent Calendar at the request of Vice Chair **CARMEN HERNANDEZ**. Member Hernandez requested an overview of this item be given to benefit the new board members. Executive Director/APCO Brad Poiriez provided an overview and answered questions from Board Members. Board Member **BARBARA RIORDAN** requested a follow-up on the progress of the electric school bus program. After discussion and upon motion of **CARMEN HERNANDEZ**, seconded by Board Member **REBEKAH SWANSON**, and carried by the following roll call vote, with eleven **AYES** votes by Board Members, **MERL ABEL, ED CAMARGO, JIM COX, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, KARI LEON, V. MANUEL PEREZ, BARBARA RIORDAN, DAWN ROWE, REBEKAH SWANSON** and **JEFF WILLIAMS**, the Board, 1) **awarded** an amount not to exceed \$107,468.96 from the Mobile Source Emissions Reduction Fund Pool to Apple Valley Unified School District to complete the of purchase two new all-electric school buses; and 2) **authorized** the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by District Counsel.

Agenda Item 7 – 1) Authorize the acceptance of “Community Air Protection Funds Supplement to the Carl Moyer Memorial Air Quality Standards Attainment Program 2017 Guidelines” from the California Air Resource Board (CARB) in an estimated amount of \$203,927.00, 2) authorize the Executive Director/APCO to execute the grant agreement approved as to legal form, 3) authorize Executive Director/APCO to assign excess or additional funds under this program to eligible projects and direct staff to perform actions necessary to comply with program requirements. Presenter: Jorge Camacho, Grants Specialist. Item removed from Consent Calendar at the request of Vice Chair **CARMEN HERNANDEZ**. Member Hernandez requested an overview of this item be given to benefit the new board members. Executive Director/APCO Brad Poiriez provided an overview and answered questions from Board Members. After discussion and upon motion of **KARI LEON**, seconded by Board Member **BARBARA RIORDAN**, and carried by the following roll call vote, with eleven **AYES** votes by Board Members, **MERL ABEL, ED CAMARGO, JIM COX, JOSEPH “JOEY”**

**DECONINCK, CARMEN HERNANDEZ, KARI LEON, V. MANUEL PEREZ, BARBARA RIORDAN, DAWN ROWE, REBEKAH SWANSON and JEFF WILLIAMS**, the Board, 1) **authorized** the acceptance of “Community Air Protection Funds Supplement to the Carl Moyer Memorial Air Quality Standards Attainment Program 2017 Guidelines” from the California Air Resource Board (CARB) in an estimated amount of \$203,927.00, 2) **authorized** the Executive Director/APCO to execute the grant agreement approved as to legal form, 3) **authorized** Executive Director/APCO to assign excess or additional funds under this program to eligible projects and direct staff to perform actions necessary to comply with program requirements.

Agenda Item 12 – PUBLIC COMMENT.

None.

Agenda Item 13 – Conduct a public hearing to consider the amendment of Rule 1320 – New Source Review for Toxic Air Contaminants: 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. Presenter: Alan De Salvio, Deputy Director – Mojave Desert Operations

Chair **JEFF WILLIAMS** opened the public meeting. Executive Director/APCO Brad Poiriez presented the Staff Report and answered questions from the Board. Chair **JEFF WILLIAMS** solicited public comment, being none, Chair **JEFF WILLIAMS** closed the public hearing, decided that the CEQA Categorical Exemption applies and waived reading of the Resolution. Upon motion by Board Member **CARMEN HERNANDEZ**, seconded by Board Member **JIM COX**, and carried by the following roll call vote, with eleven **AYES** votes by Board Members **MERL ABEL, ED CAMARGO, JIM COX, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, KARI LEON, V. MANUEL PEREZ, BARBARA RIORDAN, DAWN ROWE, REBAKAH SWANSON and JEFF WILLIAMS** the Board adopted **Resolution 19-04, “A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION AMENDING RULE 1320 – NEW SOURCE REVIEW FOR TOXIC AIR CONTAMINANTS AND DIRECTING STAFF ACTIONS.”**

Agenda Item 14 – Conduct a public hearing to consider the amendment of Rule 1520 – Control of Toxic Air Contaminants from Existing Sources: 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. Presenter: Alan De Salvio, Deputy Director – Mojave Desert Operations.

Chair **JEFF WILLIAMS** opened the public meeting. Executive Director/APCO presented the Staff Report and answered questions from the Board. Chair **JEFF WILLIAMS** solicited public comment, being none, Chair **JEFF WILLIAMS** closed the public hearing, decided that the CEQA Categorical Exemption applies and waived reading of the Resolution. Upon motion by Board Member **MERL ABEL**, seconded by Board Member **JIM COX**, and carried by the

following roll call vote, with eleven **AYES** votes by Board Members **MERL ABEL, ED CAMARGO, JIM COX, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, KARI LEON, V. MANUEL PEREZ, BARBARA RIORDAN, DAWN ROWE, REBAKAH SWANSON** and **JEFF WILLIAMS** the Board adopted **Resolution 19-05, “A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION AMENDING RULE 1520 – CONTROL OF TOXIC AIR CONTAMINANTS FROM EXISTING SOURCES AND DIRECTING STAFF ACTIONS.”**

Agenda Item 15 – Reports:

Special notes from Mr. Poiriez:

- Welcomed new Board Member Supervisor Dawn Rowe.

Mr. Poiriez updated the Board of past events:

- March 5<sup>th</sup> – participated in California Air Resources Board (CARB) Criteria and Toxics Reporting Regulation (CTR) webinar – the District distributed an advisory on March 7<sup>th</sup> to our permit holders regarding the 15-day change CTR regulation – advisor is in your agenda backup;
- March 6<sup>th</sup> – California DMV presented to staff the Real ID program – by 2020 you will need this ID to enter federal facilities and for domestic flights;
- March 6<sup>th</sup> – the Legislative Analyst Office (LAO) report came out regarding transportation issues including the motor vehicle account (MVA), the MVA is used to fund DMV, CHP and a small amount to CARB which most gets passed through to Air Districts in the form of Subvention. This report states that the MVA will be insolvent in 2 years unless action is taken ;
- March 6<sup>th</sup> – participated in WRAP Board conference call;
- March 11<sup>th</sup> – participated in AAPCA local government committee conference call & WRAP local air agency coordination conference call;
- March 12<sup>th</sup> - 14<sup>th</sup> – attended CAPCOA Board meeting – topics of discussion were: AB 617, from 15-day change on CTR Regulation to 1% admin holdback of funds by CARB, Draft AB 617 admin guidelines for CAP proposal, Farmer shared pool of money – the District got five (5) project in Round 1 roughly \$425K, AB 661 (McCarty) Wildfire Smoke Air Pollution Emergency Plan would require air districts to prepare a plan – CAPCOA working with author on language and mandated requirements and what the impacts are to air districts; SB 372 (Allen) SCAQMD vehicle to get a ballot measure to establish a voting district, then proceed to a tax measure – SCAQMD continues to assure that this and the tax will only be within their jurisdiction portions of their four counties;
- March 20<sup>th</sup> –attended MEEC’s monthly Board meeting;
- March 21<sup>st</sup> – participated in CARB webinar on freight – includes locomotive efforts – rule developments that could help reduce emissions in rail yards such as Barstow and Needles; met with CARB Toxic Inventory staff to discuss toxic inventory and proposed 15-day CTR changes.

Mr. Poiriez updated the Board of upcoming events:

- March 25<sup>th</sup> – 27<sup>th</sup> – call into AAPCA Board Directors session;
- March 27<sup>th</sup> – 28<sup>th</sup> – District will host CAPCOA PIO Committee meeting;
- March 28<sup>th</sup> – attend a designated tour of CalPortland Cement with District staff – currently working with them to fund a track mobile vehicle replacement similar to what we did for

- Mitsubishi Cement roughly \$365K;
- April 2<sup>nd</sup> – meeting with SBC Fairground officials on permitting requirements to be proactive when sources come in;
- April 3<sup>rd</sup> – participate in WRAP Board conference call;
- April 9<sup>th</sup> – 11<sup>th</sup> – attend CAPCOA Board meeting;
- April 20<sup>th</sup> – Lawn & Garden Exchange SBC Fairgrounds 8:00 a.m. to 1:00 p.m., lawnmowers \$125, blowers & trimmers \$75, first 100 applicants will get voucher for lawnmower at \$99 new this year by PIO staff to increase participation;
- April 22<sup>nd</sup> – Budget Committee meeting prior to regular Governing Board meeting;
- April 22<sup>nd</sup> – 25<sup>th</sup> – attend WRAP Spring Board Conference;
- April 25<sup>th</sup> – MEEC Teacher of the Year/Student of the Year Awards Banquet at Hilton Garden Inn 6:00 p.m.;
- Other – District notified by EPA that District received grant funds of \$24,100 to assist in buying a T640 Mobile PM10/PM2.5 monitor.

Agenda Item 16 - Board Member Comments and Suggestions for Future Agenda Items.

- Board Member Abel appreciates staff's hard work, welcomed new Board Member Rowe and thanked Vice Chair Hernandez for pulling consent calendar items for the benefit of the new board members.
- Board Member DeConinck welcomed new Board Member Rowe.

Being no further business, Chair **JEFF WILLIAMS** adjourned the meeting at **10:47 a.m.** to the next Regular Meeting of **April 22, 2019**.

**ACTION OF THE GOVERNING BOARD**

**APPROVED**

Upon Motion by **JIM COX**, seconded by **BARBARA RIORDAN**, as approved by the following roll call vote:

**Ayes:           9       CAMARGO, COX, DECONINCK, HERNANDEZ, LEON, PEREZ, RIORDAN, ROWE, SWANSON**

**Noes:**

**Absent:       4       ABEL, LOVINGOOD, MINTZ, WILLIAMS**

**Abstain:**

**DEANNA HERNANDEZ, SENIOR EXECUTIVE ANALYST**

**BY**  \_\_\_\_\_

**Dated: APRIL 22, 2019**