

Mojave Desert Air Quality Management District
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REGULAR GOVERNING BOARD MEETING
MONDAY, JUNE 10, 2019 - 10:00 A.M.
MDAQMD OFFICES, BOARD CHAMBERS
VICTORVILLE, CA

MINUTES

Board Members Present:

Carmen Hernandez, Vice Chair, City of Barstow
Merl Abel, Town of Yucca Valley
Jim Cox, City of Victorville
Joseph “Joey” DeConinck, City of Blythe
Kari Leon – Town of Apple Valley
Robert Lovingood, San Bernardino County
Daniel Mintz, Sr., City of Twentynine Palms
Barbara Riordan, Public Member
Dawn Rowe, San Bernardino County
Rebekah Swanson, City of Hesperia

Board Members Absent:

Jeff Williams, Chair, City of Needles
Ed Camargo, City of Adelanto
V. Manuel Perez, Riverside County

CALL TO ORDER

Vice Chair **CARMEN HERNANDEZ** called the meeting to order at 10:00 a.m.

Board Member **ROBERT LOVINGOOD** lead the Pledge of Allegiance.

MOVE TO SWEARING-IN OF NEW BOARD MEMBER(S). Vice Chair **CARMEN HERNANDEZ** moved to swearing-in of new Board Member **DANIEL MINTZ**. The Senior Executive Analyst swore-in Board Member **DANIEL MINTZ, Sr.**

Vice Chair **CARMEN HERNANDEZ** asked for roll call; roll was called.

Vice Chair **CARMEN HERNANDEZ** called for items with potential conflict of interest –

- Item #4 – Governing Board Members, Desirea Haggard and David Hernandez.

Vice Chair **CARMEN HERNANDEZ** called for **PUBLIC COMMENT** – None.

CLOSED SESSION

Upon Motion by Board Member **ROBERT LOVINGOOD**, seconded by Board Member **KARI LEON** 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 – 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:

The Governing Board reconvened to open session at 10:14 a.m., and District Counsel Karen Nowak stated that the Board met in Closed Session on the above Agenda Items with no reportable action.

CONSENT CALENDAR – Vice Chair **CARMEN HERNANDEZ** requested that the Consent Calendar Items be read. Senior Executive Analyst Deanna Hernandez read the Consent Calendar Items aloud. Vice Chair **CARMEN HERNANDEZ** polled the Board to determine if any member wished to pull an item on the 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 **JIM COX**, and carried by the following roll call vote, with ten **AYES** votes by Board Members **MERL ABEL, JIM COX, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, KARI LEON, ROBERT LOVINGOOD, DANIEL MINTZ, Sr., BARBARA RIORDAN, DAWN ROWE, and REBEKAH SWANSON**, with Board Members **MERL ABEL, ROBERT LOVINGOOD AND DANIEL MINTZ, Sr. ABSTAINING** on agenda item #3, as follows:

Agenda Item 3 – Approve Minutes from Regular Governing Board Meeting of April 22, 2019.
Approved Minutes from Regular Governing Board Meeting of April 22, 2019.

Agenda Item 4 – Reappoint Desirea Haggard as the engineering member and David Hernandez Esq. as the attorney member to the Hearing Board of the Mojave Desert Air Quality Management District (MDAQMD) for a 3-year term to expire June 10, 2022.
Presenter: Brad Poiriez, Executive Director/APCO.

Reappointed Desirea Haggard as the engineering member and David Hernandez Esq. as the attorney member to the Hearing Board of the Mojave Desert Air Quality Management District (MDAQMD) for a 3-year term to expire June 10, 2022.

Agenda Item 5 –Receive and file the District Activity Report.

Presenter: Brad Poiriez, Executive Director/APCO.

Received and filed the District Activity Report.

Agenda Item 6 – Receive and file the minutes of the Technical Advisory Committee (TAC) meeting of May 23, 2019.

Presenter: Alan De Salvio, Deputy Director – Mojave Desert Operations.

Received and filed the minutes of the Technical Advisory Committee (TAC) meeting of May 23, 2019.

Agenda Item 7 – Receive and file the Legislative Report for May 4, 2019.

Presenter: Brad Poiriez, Executive Director/APCO

Received and filed the Legislative Report for May 4, 2019.

Agenda Item 8 – DEFERRED ITEMS.

None.

Agenda Item 9 – PUBLIC COMMENT.

None.

Agenda Item 10 – Conduct a Public Hearing to receive comments and staff presentation for the proposed MDAQMD Budget for FY 2019-20: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Continue public hearing to the Governing Board meeting of June 24, 2019 for adoption.

Presenter: Jean Bracy, Deputy Director – Administration.

Vice Chair **CARMEN HERNANDEZ opened** the public hearing. Staff Member Jean Bracy and Laquita Cole **presented** the Staff Report and answered questions from the Board. Vice Chair **CARMEN HERNANDEZ** solicited public comment, being none, Vice Chair **CARMEN HERNANDEZ continued** public hearing to the meeting of June 24, 2019.

Agenda Item 11 – Conduct a public hearing to consider the amendment of Regulation III – Fees specifically the amendment of Rule 301 – Permit Fees, Rule 302 – Other Fees, Rule 303 – Hearing Board Fees, and Rule 312 – Fees for Federal Operating Permits: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Continue public Hearing to June 24, 2019.

Presenter: Alan De Salvio, Deputy Director – Mojave Desert Operations

Vice Chair **HERNANDEZ opened** the public hearing. Staff Member Alan De Salvio **presented** the Staff Report and answered questions from the Board. Vice Chair **CARMEN HERNANDEZ** solicited public comment, being none, Vice Chair **CARMEN HENANDEZ continued** public hearing to the meeting of June 24, 2019.

Agenda Item 12 – Conduct a public hearing to consider the amendment of Rule 501 – Procedures Before the Hearing Board and the rescission of the remaining rules in Regulation V – Procedures Before the Hearing Board and Regulation VIII – Orders for Abatement: 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 501 – Procedures Before the Hearing Board and rescinding the remaining rules in Regulation V – Procedures Before the Hearing Board and Regulation VIII – Orders for Abatement and directing staff actions.

Presenter: Alan De Salvio, Deputy Director – Mojave Desert Operations.

Vice Chair **CARMEN HERNANDEZ** opened the public hearing. Staff Member Alan De Salvio **presented** the Staff Report and answered questions from the Board. Vice Chair **CARMEN HERNANDEZ** solicited public comment, being none, Vice Chair **CARMEN HERNANDEZ** closed the public hearing; **made** the determination that the California Environmental Quality Act (CEQA) Categorical Exemption applies; **waived** reading of Resolution; and upon motion by Board Member **REBEKAH SWANSON**, seconded by Board Member **BARBARA RIORDAN**, and carried by the following roll call vote, with ten **AYES** votes by Board Members **MERL ABEL, JIM COX, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, KARI LEON, ROBERT LOVINGOOD, DANIEL MINTZ, Sr., BARBARA RIORDAN, DAWN ROWE, and REBEKAH SWANSON** the Board **adopted Resolution 19-06, “A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION AMENDING RULE 501 – PROCEDURES BEFORE THE HEARING BOARD AND RESCINDING RULES 501.1, 502, 503, 504, 505, 506, 506, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816 and 817 AND DIRECTING STAFF ACTIONS.”**

Agenda Item 13 – Reports:

Special notes from Mr. Poiriez:

- Publicly welcomed Dan Mintz, Sr. to the Governing Board.

Mr. Poiriez updated the Board of past events:

- May 6th – Staff participated in a CARB led Oil & Gas Regulating training;
- May 15th – LMTF meeting – discussed workforce development updates, annual evaluation tool upgrades, and the potential for opening contract discussions;
- May 20th – 23rd – attended CAPCOA Spring Conference – topics included CTR Regulation, wildfire season, and AB 617 progress;
- May 23rd – the District held a Technical Advisory Committee (TAC) meeting;
- May 28th – the District help a Personnel Committee meeting;
- June 3rd – the District presented a Grant to CAL-Portland Cement at their Oro Grande Site
- June 5th – participated in WRAP Board conference call;
- June 5th – the District hosted the Clean Air Poster Contest “A Flair for Clean Air” Awards ceremony;
- June 6th – participated in AAPCA conference call;
- June 6th – 7th – participated on the interview panel for the Ventura County Air Pollution Control Officer position.

Mr. Poiriez updated the Board of upcoming events:

- June 24th is the next scheduled Governing Board meeting.

Agenda Item 14 - Board Member Comments and Suggestions for Future Agenda Items.

- None.

Being no further business, Vice Chair **CARMEN HERNANDEZ** adjourned the meeting at **10:48 a.m.** to the next Regular Meeting of **June 24, 2019**.

ACTION OF THE GOVERNING BOARD

APPROVED

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

Ayes: 8 ABEL, HERNANDEZ, LEON, LOVINGOOD, MINTZ, RIORDAN, ROWE, SWANSON

Noes:

Absent: 2 COX, DECONINCK

Abstain: 3 CAMARGO, PEREZ, WILLIAMS

DEANNA HERNANDEZ, SENIOR EXECUTIVE ANALYST

BY Deanna Hernandez

Dated: JUNE 24, 2019