

Mojave Desert Air Quality Management District
Brad Poiriez, Executive Director
14306 Park Avenue, Victorville, CA 92392-2310
760.245.1661 • Fax 760.245.2699
www.MDAQMD.ca.gov • @MDAQMD



REGULAR GOVERNING BOARD MEETING
MONDAY, AUGUST 26, 2019 - 10:00 A.M.
MDAQMD OFFICES, BOARD CHAMBERS
VICTORVILLE, CA

MINUTES

Board Members Present:

Jeff Williams, Chair, City of Needles
Carmen Hernandez, Vice Chair, City of Barstow
James Schooler, Town of Yucca Valley
Ed Camargo, City of Adelanto
Kari Leon – Town of Apple Valley
Robert Lovingood, San Bernardino County
Daniel Mintz, Sr., City of Twentynine Palms
V. Manuel Perez, Riverside County
Barbara Riordan, Public Member
Dawn Rowe, San Bernardino County
Jim Cox, City of Victorville
William “Bill” Holland, City of Hesperia

Board Members Absent:

Joseph “Joey” DeConinck, City of Blythe

CALL TO ORDER

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

Chair **JEFF WILLIAMS** 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 **WILLIAM “BILL” HOLLAND**. The Senior Executive Analyst swore-in Board Member **WILLIAM “BILL” HOLLAND**.

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

Items with potential Conflict of Interests – If you believe you have a conflict of interest, please recuse yourself at the appropriate time. If you have a question regarding a potential conflict of interest, please contact District Counsel.

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

CLOSED SESSION

Upon Motion by Board Member **CARMEN HERNANDEZ**, seconded by Board Member **BARBARA RIORDAN** and carried by unanimous roll call vote, the Board adjourned to Closed Session at 10:05 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).

Agenda Item 3 - CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6). Agency designated representative: 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 10:25 a.m., and District Counsel Karen K. Nowak stated that the Board met in Closed Session on the above Agenda Items with no reportable action.

CONSENT CALENDAR – Chair **JEFF WILLIAMS** polled the Board to determine if any member wished to pull an item on the consent calendar for discussion. Vice Chair **CARMEN HERNANDEZ** pulled and deferred Agenda Items #5, #7, and Board Member **ROBERT LOVINGOOD** pulled and deferred Agenda Item #8 for discussion. The following consent items were acted upon by the Board at one time without discussion. Upon motion by Board Member **ROBERT LOVINGOOD**, seconded by Board Member **BARBARA RIORDAN**, and carried by the following roll call vote, with eleven **AYES** votes by Board Members **ED CAMARGO, JIM COX, CARMEN HERNANDEZ, KARI LEON, ROBERT LOVINGOOD, DANIEL MINTZ, Sr., V. MANUEL PEREZ, BARBARA RIORDAN, DAWN ROWE, JAMES SCHOOLER and JEFF WILLIAMS**, with Board Member **JIM COX ABSTAINING** on agenda item #4 **AND Board Member BILL HOLLAND ABSTAINING** on the Consent Calendar, as follows:

Agenda Item 4 – Approve Minutes from Regular Governing Board Meeting of June 24, 2019.
Approved Minutes from Regular Governing Board Meeting of June 24, 2019.

Agenda Item 5 – Amend the District’s Classification Plan to add Class Specifications for supervisory positions in the Air Monitoring, Permit Engineering, Compliance, Finance, and Communications (formerly Community Relations & Education) Sections establishing a series progression from supervisor to manager; 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.

Agenda item pulled for discussion by Vice Chair CARMEN HERNANDEZ, see Agenda Item #12 DEFERRED ITEMS.

Agenda Item 6 –Amend the MDAQMD Exempt Compensation Plan to incorporate new Classifications; revise allocations for Administrative Leave; and change the performance evaluation rating scale. Presenter: Jean Bracy, Deputy Director – Administration.

Amended the MDAQMD Exempt Compensation Plan to incorporate new Classifications; **revised** allocations for Administrative Leave; and **changed** the performance evaluation rating scale.

Agenda Item 7 – 1) Award an amount not to exceed \$76,974.00 in Carl Moyer Program funds to Nish Noroian Farms for the replacement of one 1975 John Deere tractor with newer cleaner engine technology thus reducing emissions; (2) authorize the Executive Director/APCO the option to change the funding source if other applicable sources become available; and, 3) 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 the Office of District Counsel. Presenter: Jorge Camacho, Grants Specialist.

Agenda item pulled for discussion by Vice Chair CARMEN HERNANDEZ, see Agenda Item #12 DEFERRED ITEMS.

Agenda Item 8 – Receive and file the District Activity Report.

Presenter: Brad Poiriez, Executive Director/APCO.

Agenda item pulled for discussion by Board Member ROBERT LOVINGOOD, see Agenda Item #12 DEFERRED ITEMS.

Agenda Item 9 – Receive and file the Financial Report. Receive and file the preliminary Financial Report for **FY19**, through the month of **June 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 **June 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 August 2019.

Presenter: Brad Poiriez, Executive Director/APCO.

Received and filed the Legislative Report for August 2019.

Agenda Item 11 – Set date of September 23, 2019 to conduct a public hearing to consider the Adoption of Rule 1157.1 – *BARCT Requirements for Boilers and Process Heaters Outside the*

FONA and approval of California Environmental Quality Act (CEQA) documentation.

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

Date set for September 23, 2019 to conduct a public hearing to consider the Adoption of Rule 1157.1 – *BARCT Requirements for Boilers and Process Heaters Outside the FONA* and approval of California Environmental Quality Act (CEQA) documentation.

Agenda Item 12 – DEFERRED ITEMS.

Agenda Items #5, #7 & #8:

Agenda Item 5 – Amend the District’s Classification Plan to add Class Specifications for supervisory positions in the Air Monitoring, Permit Engineering, Compliance, Finance, and Communications (formerly Community Relations & Education) Sections establishing a series progression from supervisor to manager; 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.

Executive Director Brad Poiriez presented background information on this agenda item and answered questions from the Board. After discussion, and upon motion by Board Member **CARMEN HERNANDEZ**, seconded by Board Member **DAWN ROWE**, and carried by the following roll call vote, with eleven **AYES** votes by Board Members **ED CAMARGO, JIM COX, CARMEN HERNANDEZ, KARI LEON, ROBERT LOVINGOOD, DANIEL MINTZ, Sr., V. MANUEL PEREZ, BARBARA RIORDAN, DAWN ROWE, JAMES SCHOOLER and JEFF WILLIAMS** with Board Member **BILL HOLLAND abstaining**, the Board, **Amended** the District’s Classification Plan to add Class Specifications for supervisory positions in the Air Monitoring, Permit Engineering, Compliance, Finance, and Communications (formerly Community Relations & Education) Sections establishing a series progression from supervisor to manager; 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 7 – 1) Award an amount not to exceed \$76,974.00 in Carl Moyer Program funds to Nish Noroian Farms for the replacement of one 1975 John Deere tractor with newer cleaner engine technology thus reducing emissions; (2) authorize the Executive Director/APCO the option to change the funding source if other applicable sources become available; and, 3) 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 the Office of District Counsel. Presenter: Jorge Camacho, Grants Specialist.

Executive Director Brad Poiriez presented background information on this agenda item and answered questions from the Board. After discussion, and upon motion by Board Member **BARBARA RIORDAN**, seconded by Board Member **ED CAMARGO**, and carried by the following roll call vote, with twelve **AYES** votes by Board Members **ED CAMARGO, JIM COX, CARMEN HERNANDEZ, BILL HOLLAND, KARI LEON, ROBERT LOVINGOOD, DANIEL MINTZ, Sr., V. MANUEL PEREZ, BARBARA RIORDAN, DAWN ROWE, JAMES SCHOOLER and JEFF WILLIAMS** the Board, 1) **Awarded** an amount not to exceed \$76,974.00 in Carl Moyer Program funds to Nish Noroian Farms for the replacement of one 1975 John Deere tractor with newer cleaner engine technology thus reducing

emissions; (2) **authorized** the Executive Director/APCO the option to change the funding source if other applicable sources become available; and, 3) **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 the Office of District Counsel.

Agenda Item 8 – Receive and file the District Activity Report.

Presenter: Brad Poiriez, Executive Director/APCO.

Board Member **ROBERT LOVINGOOD** expressed his appreciation of staff’s outreach for grant funding especially with the assistance provided to the local areas that were severely impacted by the earthquakes this past July, and upon motion by Board Member **ROBERT LOVINGOOD**, seconded by Board Member **JIM COX**, and carried by the following roll call vote, with twelve **AYES** votes by Board Members **ED CAMARGO, JIM COX, CARMEN HERNANDEZ, BILL HOLLAND, KARI LEON, ROBERT LOVINGOOD, DANIEL MINTZ, Sr., V. MANUEL PEREZ, BARBARA RIORDAN, DAWN ROWE, JAMES SCHOOLER and JEFF WILLIAMS** the Board, **received and filed** the District Activity Report.

Agenda Item 13 – PUBLIC COMMENT.

None.

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 and directing staff actions. Presenter: Alan De Salvio, Deputy Director – Mojave Desert Operations.

Chair **JEFF WILLIAMS** **opened** the public hearing. Executive Director 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; **made** the determination that the California Environmental Quality Act (CEQA) Categorical Exemption applies; **waived** reading of Resolution; and upon motion by Board Member **ROBERT LOVINGOOD**, seconded by Board Member **DANIEL MINTZ, Sr.**, and carried by the following roll call vote, with twelve **AYES** votes by Board Members **ED CAMARGO, JIM COX, CARMEN HERNANDEZ, BILL HOLLAND, KARI LEON, ROBERT LOVINGOOD, DANIEL MINTZ, Sr., V. MANUEL PEREZ, BARBARA RIORDAN, DAWN ROWE, JAMES SCHOOLER and JEFF WILLIAMS** the Board, **adopted Resolution 19-09, “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 401 – *Visible Emissions*: 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 401 and directing staff actions. Presenter: Alan De Salvio, Deputy Director – Mojave Desert Operations.

Chair **JEFF WILLIAMS** opened the public hearing. Executive Director 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; **made** the determination that the California Environmental Quality Act (CEQA) Categorical Exemption applies; **waived** reading of Resolution; and upon motion by Board Member **CARMEN HERNANDEZ**, seconded by Board Member **DAWN ROWE**, and carried by the following roll call vote, with twelve **AYES** votes by Board Members **ED CAMARGO, JIM COX, CARMEN HERNANDEZ, BILL HOLLAND, KARI LEON, ROBERT LOVINGOOD, DANIEL MINTZ, Sr., V. MANUEL PEREZ, BARBARA RIORDAN, DAWN ROWE, JAMES SCHOOLER and JEFF WILLIAMS** the Board, **adopted Resolution 19-10, “A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, AMENDING RULE 401 – VISIBLE EMISSIONS AND DIRECTING STAFF ACTIONS.”**

Agenda Item 16 – Reports:

Special notes from Mr. Poiriez:

- Welcomed back everyone after a month off;
- Welcomed Mayor Pro Tem Holland to the MDAQMD Governing Board.

Mr. Poiriez updated the Board of past events:

- July 31st – met with Amerge Executive Staff to discuss operations progress on pyrolysis unit used for medical waste.
- August 1st – met with the Employee’s Teamster Union Representative regarding the collective bargaining contract;
- August 1st – staff held the Southwest Exceptional Events working group conference call; the group will meet in person at the upcoming CDAWG conference – 08/08/2019 EPA released the Prescribed Fire Guidance for prescribed fire on wildlands that may influence ozone & PM concentrations – the working group had grown larger and includes local, state and federal agencies from California, Arizona, Nevada, Texas, Colorado and Idaho: this shoe how vital EE programs are to SIP planning efforts in West with natural events & wildfires – you’ll notice in our update we continue to deploy additional purple air sensors (36 thus far) the most of any air district;
- August 7th – \$500K Grant check presented to COMM AV for two tug replacements;
- August 8th – clutter clean-up day for staff;
- August 8th – met with Amerge Officials to discuss operations and feedstock use;
- August 13th – met with Labor Management Task Force and submitted letter to discuss willingness to start discussion on collective bargaining contract extension;
- August 20th – 22nd – attended CAPCOA Board meeting – discussed 1) Cal OSHA worker wildfire smoke safety rulemaking – components included employer implemented system for informing employee; provide respirators to employees on request that meet NIOSH standards N-95 – still in advisory meeting phase; 2) AB 617 incentive guidelines update, incentive allocations (we will get \$1.2M for year 2); 3) development of Continuing Of Operations Plan (COOP) with CARB Executive Staff; 4) light duty vehicle emission standards agreement with automakers; 5) heavy duty vehicle emissions standards; 6) Public Safety Power Shutoff (PSPS) update; 7) CTR/AB 2588 update – state may add potentially

1000 new toxic compounds; 8) US EPA landfill emissions guidelines compliance plan; 9) CARB Training Program Funding (VEE & Hearing Board); a couple of pieces of legislation note: AB 661 Wildfire Smoke Air Pollution Emergency Plan currently only Sacramento Metro APCD requires planning with health officer, consult with local emergency services, schools and regional planning agencies – CARB component to coordinate with local air district by 01/01/2022; AB 423 specific to San Diego APCD – expand Governing Board structure, certain requirements to be posted on web 1) all current and pending permit information, 2) completed enforcement actions, 3) consider adopting indirect source rule to name a few – districts tracking as may be a push to expand to all districts; a lot of bills introduced to protect California for Federal rollback efforts.

Mr. Poiriez updated the Board of upcoming events:

- August 26th – 28th – will conference call into AAPCA Fall Conference;
- August 27th – will conference call into WRAP Administrative Subcommittee on funding call.
- September 4th – will conference call into WRAP Board conference;
- September 19th – host Active Shooter training for all staff at 10 am – Board invited to attend;
- October 22nd – tour Goldstone Deep Space Communication facility – Board invited to attend;
- November 6th & 7th – CDAWG Conference Palm Springs, CA – Board invited to attend

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

- Board Member Cox requested to be kept abreast of exceptional events.
- Board Member Leon thanked the District for providing “active shooter” training.
- Chair Williams thanked the District for providing Purple Air Sensors.

Being no further business, Chair **JEFF WILLIAMS** adjourned the meeting at **10:59 a.m.** to the next Regular Meeting of *September 23, 2019*.

ACTION OF THE GOVERNING BOARD

APPROVED

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

**Ayes: 9 CAMARGO, COX, DECONINCK, LEON, LOVINGOOD,
NOBLE, RIORDAN, ROWE, WILLIAMS**

Noes:

Absent: 3 HOLLAND, MINTZ, PEREZ

Abstain: 1 ABEL

DEANNA HERNANDEZ, SENIOR EXECUTIVE ANALYST

BY Deanna Hernandez

Dated: SEPTEMBER 23, 2019