

Mojave Desert Air Quality Management District
Brad Poiriez, Executive Director
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REGULAR GOVERNING BOARD MEETING
MONDAY, OCTOBER 28, 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
Jim Cox, City of Victorville
Joseph "Joey" DeConinck, City of Blythe
William "Bill" Holland – City of Hesperia
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
Jim Schooler, Town of Yucca Valley

Board Members Absent:

Ed Camargo, City of Adelanto
V. Manuel Perez, Riverside County

CALL TO ORDER

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

Chair **JEFF WILLIAMS** asked Vice Chair **CARMEN HERNANDED** to lead the Pledge of Allegiance.

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

District Counsel Karen K. Nowak stated that there was no update on the closed session item since the last meeting. Upon consensus of the Board, the Closed Session item was 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).

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 for discussion. Vice Chair **CARMEN HERNANDEZ** pulled and deferred Agenda Items #4 & #5 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 **JIM COX, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, WILLIAM “BILL” HOLLAND, KARI LEON, ROBERT LOVINGOOD, DANIEL MINTZ, Sr., BARBARA RIORDAN, DAWN ROWE, JIM SCHOOLER and JEFF WILLIAMS**, with Board Member **JIM SCHOOLER abstaining** on agenda item #2, on the Consent Calendar, as follows:

Agenda Item 2 – Approve Minutes from Regular Governing Board Meeting of September 23, 2019.

Approved Minutes from Regular Governing Board Meeting of September 23, 2019.

Agenda Item 3 – Approve revised plan documents for the Mojave Desert Air Quality Management District Deferred Compensation program: Internal Revenue Code Section 457(b) and 401(a) Employer Matching Contribution. Presenter: Jean Bracy, Deputy Director – Administration.

Approved revised plan documents for the Mojave Desert Air Quality Management District Deferred Compensation program: Internal Revenue Code Section 457(b) and 401(a) Employer Matching Contribution.

Agenda Item 4 – 1) Award an amount not to exceed \$522,057.92 in Year 2 Community Air Protection Funds to Northwest Pipe to replace one (1) Tier 0/uncontrolled, one (1) Tier 1 and (4) Tier 2’s industrial forklifts with two (2) new Tier 4 industrial forklifts; (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 #9 DEFERRED ITEMS.

Agenda Item 5 – Receive and file the AB 2766 grant funds disbursement for Fiscal Year 20 as described in the Mobile Source Emission Reductions Program (MSERP) Work plan in Exhibit A. Presenter: Jorge Camacho, Grants Specialist.

Agenda item pulled for discussion by Vice Chair CARMEN HERNANDEZ, see Agenda Item #9 DEFERRED ITEMS.

Agenda Item 6 – Receive and file the District Activity Report.

Presenter: Brad Poiriez, Executive Director/APCO.

Received and filed the District Activity Report.

Agenda Item 7 – Receive and file the Financial Report. Receive and file the preliminary Financial Report for FY20, through the month of August 2019, which provides financial information and budget performance concerning the fiscal status of the District.

Presenter: Jean Bracy, Deputy Director – Administration and Laquita Cole, Finance Manager.

Received and filed the Financial Report for FY20, through the month of August 2019, which provides financial information and budget performance concerning the fiscal status of the District.

Agenda Item 8 – Receive and file the Legislative Report for October 2019.

Presenter: Brad Poiriez, Executive Director/APCO.

Received and filed the Legislative Report for October 2019.

Agenda Item 9 – DEFERRED ITEMS.

Agenda Item 4 – 1) Award an amount not to exceed \$522,057.92 in Year 2 Community Air Protection Funds to Northwest Pipe to replace one (1) Tier 0/uncontrolled, one (1) Tier 1 and (4) Tier 2's industrial forklifts with two (2) new Tier 4 industrial forklifts; (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.

Vice Chair **CARMEN HERNANDEZ** wished to clarify that funding is still available.

Executive Director Brad Poiriez provided background information and answered questions from the board. After discussion and upon motion by Board Member **BARBARA RIORDAN**, seconded by Board Member **CARMEN HERNANDEZ**, with eleven **AYES** votes by Board Members **JIM COX, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, WILLIAM “BILL” HOLLAND, KARI LEON, ROBERT LOVINGOOD, DANIEL MINTZ, Sr., BARBARA RIORDAN, DAWN ROWE, JIM SCHOOLER and JEFF WILLIAMS** the board, 1) **Awarded** an amount not to exceed \$522,057.92 in Year 2 Community Air Protection Funds to Northwest Pipe to replace one (1) Tier 0/uncontrolled, one (1) Tier 1 and (4) Tier 2's industrial forklifts with two (2) new Tier 4 industrial forklifts; (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 5 – Receive and file the AB 2766 grant funds disbursement for Fiscal Year 20 as described in the Mobile Source Emission Reductions Program (MSERP) Work plan in Exhibit A. Presenter: Jorge Camacho, Grants Specialist.

Vice Chair **CARMEN HERNANDEZ** clarified that grant funds need to be granted in order to receive additional grant funding. Executive Director Brad Poiriez provided background information and answered questions from the board. After discussion and upon motion by Board Member **CARMEN HERNANDEZ**, seconded by Board Member **WILLIAM “BILL” HOLLAND**, with eleven **AYES** votes by Board Members **JIM COX, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, WILLIAM “BILL” HOLLAND, KARI LEON, ROBERT LOVINGOOD, DANIEL MINTZ, Sr., BARBARA RIORDAN, DAWN ROWE, JIM SCHOOLER and JEFF WILLIAMS** the board, **Received and filed** the AB 2766 grant funds disbursement for Fiscal Year 20 as described in the Mobile Source Emission Reductions Program (MSERP) Work plan in Exhibit A.

Agenda Item 10 – PUBLIC COMMENT.

None.

Agenda Item 11 – Conduct a public hearing to consider the adoption of the 70 ppb Ozone Standard Implementation Evaluation: RACT SIP Analysis; Federal Negative Declarations; and, Emission Statement Certification (70 ppb O₃ Evaluation): 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, adopting the 70 ppb O₃ Evaluation and directing staff actions. Presenter: Alan De Salvio, Deputy Director – Mojave Desert Operations.

Chair **JEFF WILLIAMS** opened the public hearing. Staff member Alan De Salvio presented the staff report. 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. After discussion and upon motion by Board Member **CARMEN HERNANDEZ**, seconded by Board Member **ROBERT LOVINGOOD**, and carried by the following roll call vote, with eleven **AYES** votes by Board Members **JIM COX, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, WILLIAM “BILL” HOLLAND, KARI LEON, ROBERT LOVINGOOD, DANIEL MINTZ, Sr., BARBARA RIORDAN, DAWN ROWE, JIM SCHOOLER and JEFF WILLIAMS** the Board, **adopted Resolution 19-12, “A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, ADOPTING THE 70 PPB OZONE STANDARD IMPLEMENTATION EVALUATION: RACT SIP ANALYSIS; FEDERAL NEGATIVE DECLARATIONS; CERTIFICATION OF NONATTAINMENT NEW SOURCE REVIEW PROGRAM; AND, EMISSION STATEMENT CERTIFICATION (70 PPB O₃ EVALUATION) AND DIRECTING STAFF ACTIONS.”**

Agenda Item 12 – Reports:

Special notes from Mr. Poiriez:

- Congratulated the following employees – Jennifer Jochim 10 years of service, Julie

McKeehan 10 years of service, Michelle Zumwalt 20 years of service, Sam Oktay 20 years of service and Deanna Hernandez 20 years of service.

- Staff is tracking wildfire smoke patterns using plume models.
- This is the last governing board meeting for the year; happy holidays; see you in January 2020.
- Legislative Highlight/Update:
 - SB 1 – Truck & Bus Rule deadline of January 1, 2020 fast approaching; trucks that don't meet the 2020 deadline will not be able to register; within the District's jurisdiction a total of 2,635 units (light & heavy) of that 1,500 units will be out of compliance this coming year with 1K plus more over the next two years.
 - California continues to battle with EPA and the Administration on air quality authorities – see Feinstein letter in agenda backup.
 - District was notified that SEGS III-IV closing end of 2019 year due to not enough power being dispatched.
 - District staff has been meeting with Barstow Unified School District on a potential pilot project of all electric maintenance equipment change over.

Mr. Poiriez updated the Board of past events:

- October 21st – 24th –attended NACAA Fall Conference in D.C.

Mr. Poiriez updated the Board of upcoming events:

- October 28th – 31st – will attend CAPCOA Fall Membership Conference;
- November 6th – 7th – CDAWG in Palm Springs, CA;
- November 12th – next scheduled meeting with Teamsters to discuss contract extension.

Agenda Item 13 - Board Member Comments and Suggestions for Future Agenda Items.

- Board Member Leon attended High Desert Opportunity and commented that the District's booth was wonderful; attended California League of Cities' conference and found the subject of new diesel fuel research interesting.
- Board Member Lovingood commented on an article in the Inland Empire Business Activity Index released by the UCR School of Business Center for Economic Forecasting and Development published 10/24/2019.

Being no further business, Chair **JEFF WILLIAMS** adjourned the meeting at **10:48 a.m.** to the next Regular Meeting of **November 25, 2019.**

ACTION OF THE GOVERNING BOARD

APPROVED

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

**Ayes: 10 COX, CAMARGO, DECONINCK, HERNANDEZ,
 HOLLAND, LEON, LOVINGOOD, MINTZ, RIORDAN,
 WILLIAMS**

Noes:

Absent: 1 ROWE

Abstain: 2 ABEL, PEREZ

DEANNA HERNANDEZ, SENIOR EXECUTIVE ANALYST

BY *Deanna Hernandez*

Dated: January 27, 2020