

Mojave Desert Air Quality Management District
Brad Poiriez, Executive Director
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REGULAR GOVERNING BOARD MEETING
MONDAY, JANUARY 27, 2020 - 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
Merl Abel, Town of Yucca Valley
Ed Camargo, City of Adelanto
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
V. Manuel Perez, Riverside County
Barbara Riordan, Public Member

Board Members Absent:

Dawn Rowe, San Bernardino County

CALL TO ORDER

Chair **JEFF WILLIAMS** called the meeting to order at 10:02 a.m.

Chair **JEFF WILLIAMS** asked Board Member **ED CAMARGO** to lead the Pledge of Allegiance.

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

Election of Chair and Vice-Chair of the Governing Board for 2020:

Chair **JEFF WILLIAMS** called for nominations for Chair of the Governing Board for 2020. Board Member **CARMEN HERNANDEZ** nominated Board Member **JEFF WILLIAMS** for Chair, Seconded by Board Member **WILLIAM HOLLAND**, and being no other nominations, nominations for Chair was closed. By unanimous roll call vote, Board Member **JEFF WILLIAMS** was elected Chair for 2020.

Chair **JEFF WILLIAMS** called for nominations for Vice Chair of the Governing Board for 2020. Chair **JEFF WILLIAMS** nominated Board Member **CARMEN HERNANDEZ** for Vice Chair, Seconded by Board Member **BARBARA RIORDAN**, and being no other nominations, nominations for Vice Chair was closed. By unanimous roll call vote, Board Member **CARMEN HERNANDEZ** was elected Vice Chair for 2020.

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** asked if any members wished to indicate a conflict of interest in regards to any agenda items. No members did so.

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

CLOSED SESSION

Upon motion by Board Member **ROBERT LOVINGOOD**, seconded by Vice Chair **CARMEN HERNANDEZ**, with twelve **AYES** votes by Board Members **MERL ABEL, ED CAMARGO, JIM COX, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, WILLIAM “BILL” HOLLAND, KARI LEON, ROBERT LOVINGOOD, DANIEL MINTZ, Sr., V. MANUEL PEREZ, BARBARA RIORDAN and JEFF WILLIAMS** with Board Member **DAWN ROWE** absent, the board entered into **CLOSED SESSION** at **10:07 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 LABOR NEGOTIATORS (Government Code Section 54957.6). Agency Designated Representative: Brad Poiriez. Employee Organization: Teamsters Local Union No. 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 10:53 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 – It was stated for the record prior to a motion be made on the Consent Calendar that a correction be noted for Agenda Item #7, page 103 of the agenda, first paragraph,

last sentence, last word reads “feasible” and should read “non-feasible” and page 103 of the agenda, third paragraph, last sentence, last word reads “feasible” and should read “non-feasible” and will be corrected for the official record. Chair **JEFF WILLIAMS** polled the Board to determine if any member wished to pull an item on the consent calendar for discussion. Board Member **JIM COX** pulled and deferred Agenda Item #4 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 twelve **AYES** votes by Board Members **MERL ABEL, ED CAMARGO, JIM COX, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, WILLIAM “BILL” HOLLAND, KARI LEON, ROBERT LOVINGOOD, DANIEL MINTZ, Sr., V. MANUEL PEREZ, BARBARA RIORDAN and JEFF WILLIAMS**, with Board Members **MERL ABEL and V. MANUEL PEREZ abstaining** on agenda item #3, and with Board Member **DAWN ROWE absent**, on the Consent Calendar, as follows:

Agenda Item 3 – Approve Minutes from Regular Governing Board Meeting of October 28, 2019.
Approved Minutes from Regular Governing Board Meeting of October 28, 2019.

Agenda Item 4 – Amend the District’s Classification Plan to add two new Class Specification series for positions in Records Management and Communications; 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 Board Member JIM COX, see Agenda Item #10 DEFERRED ITEMS.

Agenda Item 5 – 1) Approve the FY 19-20 Application for Carl Moyer Program Year 22 Funds and authorize its submission to the California Air Resources Board (CARB); 2) Adopt the Resolution attached for the District’s continued participation in the Carl Moyer Program; 3) Allocate a maximum of 15% of Mobile Source Emissions Reduction (AB 2766) Program funds to serve as the required match funding for the Carl Moyer Memorial Air Quality Standards Attainment Program (the Moyer Program); and 4) Authorize the Executive Director/APCO and staff to execute the agreement, approved as to legal form. Presenter: Jorge Camacho, Grants Specialist.

1) **Approved** the FY 19-20 Application for Carl Moyer Program Year 22 Funds and authorize its submission to the California Air Resources Board (CARB); 2) **Adopted** the Resolution attached for the District’s continued participation in the Carl Moyer Program; 3) **Allocated** a maximum of 15% of Mobile Source Emissions Reduction (AB 2766) Program funds to serve as the required match funding for the Carl Moyer Memorial Air Quality Standards Attainment Program (the Moyer Program); and 4) **Authorized** the Executive Director/APCO and staff to execute the agreement, approved as to legal form. Presenter: Jorge Camacho, Grants Specialist

Agenda Item 6 – Adopt a budget schedule for FY 20-2021. Presenter: Jean Bracy, Deputy Director – Administration.

Adopted a budget schedule for FY 20-2021.

Agenda Item 7 – Receive and file Certification of District Measures to Reduce PM Pursuant to Former Health & Safety Code §39614(d). Presenter: Alan De Salvio, Deputy Director – Mojave Desert Operations.

Received and filed Certification of District Measures to Reduce PM Pursuant to Former Health & Safety Code §39614(d).

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 FY20, through the month of November 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 November 2019, which provides financial information and budget performance concerning the fiscal status of the District.

Agenda Item 10 – DEFERRED ITEMS.

Agenda Item 4 – Amend the District’s Classification Plan to add two new Class Specification series for positions in Records Management and Communications; 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.

Board Member **JIM COX** wished to clarify how many positions were being recommended by the action; expressed concern about potential budget impacts; and was concerned that this action might be viewed as limiting external recruitment. Board Member **ROBERT LOVINGOOD** noted that specific measurables required for promotion of the incumbent were not specifically defined in either the agenda item or in the job descriptions. Executive Director Brad Poiriez provided background information and answered questions from the board, indicating that no additional staff were to be added and that the APCO’s discretion to require outside recruitment remained intact. Deputy Director – Administration Jean Bracy also assisted with answering questions from the Board. After discussion and upon motion by Board Member **DANIEL MINTZ, Sr.**, seconded by Board Member **BARBARA RIORDAN**, with ten **AYES** votes by Board Members **MERL ABEL, ED CAMARGO, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, WILLIAM “BILL” HOLLAND, KARI LEON, DANIEL MINTZ, Sr., V. MANUEL PEREZ, BARBARA RIORDAN and JEFF WILLIAMS, with two NOES votes by Board Members JIM COX and ROBERT LOVINGOOD, and with Board Member DAWN ROWE absent**, the board, **Amended** the District’s Classification Plan to add two new Class Specification series for positions in Records Management and Communications; **assigned** pay ranges; **authorized** the Executive Director/APCO to assign and/or promote eligible incumbents, if applicable; and **informed** the Board regarding other administrative matters.

Agenda Item 11 – PUBLIC COMMENT.

None.

Agenda Item 12 – Conduct a public hearing to present the 2017 Air Toxics “Hot Spots” Program Annual Report and discuss its content and significance: a. Open public hearing; b. Receive the 2017 Air Toxics “Hot Spots” Program Annual Report; c. Receive public testimony; d. Close public hearing; e. Direct 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. Deputy Director – Operations Alan De Salvio also assisted with answering questions from the Board. Vice Chair **CARMEN HERNANDEZ** questioned on page 187 of the agenda, Table 5, “How long do we give them to comply, noticed that the most recent notification date was pending.” Deputy Director – Operations Alan De Salvio answered that it reflects pending because the health risk assessments are under review either by the District or the Office of Environmental Health Hazard Assessment. Board Member **ROBERT LOVINGOOD** questioned the overlay impact of the overall assessments. Deputy Director – Operations Alan De Salvio answered that there are some overlay exposure within the area such as smoke from fires but this type of overlay is short-term and the nature of this process is to look at lifetime exposure. Chair **JEFF WILLIAMS** solicited public comment, being none, Chair **JEFF WILLIAMS** closed the public hearing. After discussion and upon motion by Board Member **BARBARA RIORDAN**, seconded by Board Member **ROBERT LOVINGOOD**, with eleven **AYES** votes by Board Members **MERL ABEL, ED CAMARGO, JIM COX, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, WILLIAM “BILL” HOLLAND, KARI LEON, ROBERT LOVINGOOD, DANIEL MINTZ, Sr., BARBARA RIORDAN and JEFF WILLIAMS, with Board Members V. MANUEL PEREZ and DAWN ROWE absent, the board, directed** staff actions.

Agenda Item 13 – Reports:

Special notes from Mr. Poiriez:

- Congratulated Board Members Jeff Williams and Carmen Hernandez for being elected Chair and Vice Chair for 2020.
- Hoping to keep same 2019 Fiscal and Personnel Committees for 2020 as long as there are no objections.
- Congratulated Orlando Salinas for 10 years of service.
- Staff continues to participate in the SBCOG (San Bernardino Council of Governments) on the “Zero Emission Vehicle Readiness and Implementation Plan”; have begun discussion with City of Victorville on a potential parking/EV location project nearby.
- Communications Staff continue to engage schools on interest in school flag program – currently four schools participating, would like more, encourage schools within Board Members districts to contact District.
- District notified January 13th that the Town of Apple Valley School District is no longer on wait listed for two all-electric buses; their vouchers were approved, will be almost \$900K in funding from HVIP voucher, \$220K each, CAP Funds \$318,113, AB 2766 Funds \$107,500, CAP Infrastructure \$31,000.
- Was selected to continue to sit on the CAPCOA Board of Directors for another year representing the medium Districts.

- Workforce Development continues; nearly done with all classifications expect the remainder to be completed in the next couple of months.
- Want to highlight information in the agenda backup regarding letters of SIP actions including withdrawal of very old plans that EPA never acted on. This year there will be a flurry of required rule developments pertaining to our New Source Review (NSR) rules, Reasonable Available Control Technology (RACT) rules, and Ozone SIP Planning, not to mention revised fugitive dust rules.
- Next regular scheduled Governing Board meeting February 24, 2020.
- Legislative Highlight/Update:
 - Legislature convened on January 6, 2020.
 - On January 10, 2020 Governor Newsom releases his 2020-2021 proposed budget; points regarding air are: proposes cutting \$135M from clean transportation; cuts level of funding for FARMER program by \$15M (may go to 0 in revision); no increase in SB 617 implementation funding, in fact, cut in half to \$25M statewide; Governor to propose \$4.75B Climate Resiliency Bond and \$1B Climate Catalyst Fund which will be funded \$250M/year for 4 years from General Fund.
 - Assemblyman E. Garcia wants to introduce a \$4B+ bond as well for environment.
 - Full budget committee and sub-committees have begun formally reviewing the state budget.
 - January 31st is deadline for bills introduced last year to be out of house of origin.
 - Members already introducing bills – two to note: SB 802 (Glazer) – exempt generators from air requirements during a PSPS event & SB 431 (McGuire) – require back-up power at all cell towers for 72 hours, the District currently permit these.
 - February 21st is bill introduction deadline.
 - At Federal level – Trump Administration has proposed changes to NEPA to accelerate environmental reviews to speed infrastructure like pipelines and freeways, it is out for 60-day public comment, it would establish time limits, 2 years for and EIS, 1 year for and EA to be completed.

Mr. Poiriez updated the Board of past events:

- January 6th – 8th – attended CAPCOA Board Retreat and met with CARB Executive Staff; discussed budget challenges; upcoming rule developments and collaboration.
- January 13th – was suppose to have a joint meeting with Assemblyman E. Garcia and Wayne Natri, SCAQMD Executive Officer, to discuss concerns we share moving into 2020 – meeting will be rescheduled.
- January 14th – Conference call with CARB on Railyard Emissions; discussed State’s future plans and efforts to reduce locomotive emissions. Barstow is our concern – the rail yard has gone from maintenance/classification yard to now include intermodal (this increases emissions) Barstow considered a Disadvantage Community.
- January 15th – met with Union Representative to continue labor negotiations on a proposed contract extension.
- January 15th – participated in the MEEC Board of Directors meeting.

Mr. Poiriez updated the Board of upcoming events:

- January 27th – will participate in WRAP Board Funding Committee meeting;
- January 29th – District will host the next Southwest Exceptional Events Working Group conference call.

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

- Vice Chair Hernandez commented that she appreciates the Executive Director's updates.

Being no further business, Chair **JEFF WILLIAMS** adjourned the meeting at **11:49 a.m.** to the next Regular Meeting of *February 24, 2020*.

ACTION OF THE GOVERNING BOARD

APPROVED

Upon Motion by **WILLIAM "BILL" HOLLAND**, seconded by **JIM COX**, as approved by the following roll call vote:

Ayes:	10	ABEL, COX, CAMARGO, HERNANDEZ, HOLLAND, LEON, LOVINGOOD, PEREZ, RIORDAN, WILLIAMS
Noes:		
Absent:	2	DECONINCK, MINTZ
Abstain:	1	ROWE

DEANNA HERNANDEZ, SENIOR EXECUTIVE ANALYST

BY *Deanna Hernandez*

Dated: February 24, 2020