

Mojave Desert Air Quality Management District
Brad Poiriez, Executive Director
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REGULAR GOVERNING BOARD MEETING
MONDAY, APRIL 27, 2020 - 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
Ed Camargo, City of Adelanto – via telephone
Jim Cox, City of Victorville
Kari Leon – Town of Apple Valley – via telephone
Robert Lovingood, San Bernardino County – via telephone
Daniel Mintz, Sr., City of Twentynine Palms – via telephone
V. Manuel Perez, Riverside County – via telephone
Barbara Riordan, Public Member – via telephone
Dawn Rowe, San Bernardino County – via telephone

Board Members Absent:

Joseph “Joey” DeConinck, City of Blythe
William “Bill” Holland – City of Hesperia
Jeff Williams, Chair, City of Needles

CALL TO ORDER

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

Vice Chair **CARMEN HERNANDEZ** asked Board Member **JIM COX** to lead the Pledge of Allegiance.

Vice Chair **CARMEN HERNANDEZ** 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.

Vice Chair **CARMEN HERNANDEZ** asked if any members wished to indicate a conflict of interest in regards to any agenda items.

Vice Chair **CARMEN HERNANDEZ** called for **PUBLIC COMMENT**. Being none, moved onto **CLOSED SESSION**.

CLOSED SESSION

Upon motion by Board Member **JIM COX**, seconded by Board Member **ROBERT LOVINGOOD**, with ten **AYES** votes by Board Members **MERL ABEL, ED CAMARGO, JIM COX, CARMEN HERNANDEZ, , KARI LEON, ROBERT LOVINGOOD, DANIEL MINTZ, Sr., V. MANUEL PEREZ, BARBARA RIORDAN, and DAWN ROWE** with Board Members **JOSEPH “JOEY” DECONINCK, WILLIAM “BILL” HOLLAND and JEFF WILLIAMS** absent, the board entered into **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).

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 10:16 a.m., and District Counsel Karen Nowak stated that the Board met in Closed Session on the above Agenda Item with no reportable action.

CONSENT CALENDAR – Vice Chair **CARMEN HERNANDEZ** polled the Board to determine if any member wished to have the consent calendar items read and if any member wished to pull an item on the consent calendar for discussion. No member did so. Prior to a motion being taken, Staff read into the record a correction on agenda item #18, page 192, item #2, last paragraph, last sentence, should read, “Such amendments may be confirmed by the Governing Board of the MDAQMD at its next regularly scheduled meeting after such amendments/termination occurs, which currently reads Governing Board of the AVAQMD.” The following consent items were acted upon by the Board at one time without discussion. Upon motion by Board Member **JIM COX**, seconded by Board Member **MERL ABEL**, and carried by the following roll call vote, with ten **AYES** votes by Board Members **MERL ABEL, ED CAMARGO, JIM COX, CARMEN HERNANDEZ, KARI LEON, ROBERT LOVINGOOD, DANIEL MINTZ, Sr., V. MANUEL PEREZ, BARBARA RIORDAN and DAWN ROWE**, with Board Members **JOSEPH “JOEY” DECONINCK, WILLIAM “BILL” HOLLAND and JEFF WILLIAMS** absent, on the Consent Calendar, as follows:

Agenda Item 2 – Approve Minutes from Regular Governing Board Meeting of February 24, 2020.
Approved Minutes from Regular Governing Board Meeting of February 24, 2020.

Agenda Item 3 – Authorize surplus of District-owned capital equipment and disposal as indicated; receive and file the Executive Director’s report of surplus and disposal for non-capital items. Presenter: Trevor Samorajski, Systems Administrator I.

Authorized surplus of District-owned capital equipment and disposal as indicated; **received and filed** the Executive Director’s report of surplus and disposal for non-capital items.

Agenda Item 4 – 1) Award an amount not to exceed \$100,000.00 in Mobile Source Emission funds (AB 2766) to CalPortland to assist with the construction of a Clean Natural Gas (CNG) fueling facility at their Oro Grande location; (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 – Administration.

1) **Awarded** an amount not to exceed \$100,000.00 in Mobile Source Emission funds (AB 2766) to CalPortland to assist with the construction of a Clean Natural Gas (CNG) fueling facility at their Oro Grande location; (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 – (1) Authorize the acceptance of the Emission Inventory District Grant (AB 197) from the California Air Resource Board (CARB) in an amount of \$18,583 to be used to review and update data currently stored or being uploaded into the California Emissions Inventory Development and Reporting System (CEIDARS) database, (2) authorize the Executive Director/APCO to ratify agreements approved as to legal form, (3) authorize Executive Director/APCO to assign excess or additional/subsequent funds under this program to eligible projects and direct staff to perform actions necessary to comply with program requirements. Presenter: Jorge Camacho, Grants Specialist – Administration.

(1) **Authorized** the acceptance of the Emission Inventory District Grant (AB 197) from the California Air Resource Board (CARB) in an amount of \$18,583 to be used to review and update data currently stored or being uploaded into the California Emissions Inventory Development and Reporting System (CEIDARS) database, (2) **authorized** the Executive Director/APCO to ratify agreements approved as to legal form, (3) **authorized** Executive Director/APCO to assign excess or additional/subsequent funds under this program to eligible projects and direct staff to perform actions necessary to comply with program requirements.

Agenda Item 6 – Approve revised plan document for the Mojave Desert Air Quality Management District (MDAQMD) Deferred Compensation program: Internal Revenue code Section 457(b), to incorporate provisions of the Coronavirus Aid, Relief, and Economic Security (CARES) Act. Presenter: Jean Bracy, Deputy Director – Administration.

Approved revised plan document for the Mojave Desert Air Quality Management District (MDAQMD) Deferred Compensation program: Internal Revenue code Section 457(b), to incorporate provisions of the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

Agenda Item 7 – Receive and file the District Activity Report. Presenter: Brad Poiriez, Executive Director/APCO.

Received and filed the District Activity Report.

Agenda Item 8 – Receive and file the Financial Report for FY20, through the month of February 2020, 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 February 2020, which provides financial information and budget performance concerning the fiscal status of the District.

Agenda Item 9 – Receive and file the Legislative Report for April 2020. Presenter: Brad Poiriez, Executive Director/APCO.

Received and filed the Legislative Report for April 2020.

Agenda Item 10 – Set date of June 8, 2020 to conduct a public hearing to consider the Adoption of Rule 1114 – Wood Products Coating Operations and approval of California Environmental Quality Act (CEQA) documentation. Presenter: Alan De Salvio, Deputy Director – Operations.

Date set for June 8, 2020 to conduct a public hearing to consider the Adoption of Rule 1114 – Wood Products Coating Operations and approval of California Environmental Quality Act (CEQA) documentation.

Agenda Item 11 – Set date of June 8, 2020 to conduct a public hearing to consider the Adoption of Rule 1115 – Metal Parts & Products Coating Operations and approval of California Environmental Quality Act (CEQA) documentation. Presenter: Alan De Salvio, Deputy Director – Operations.

Date set for June 8, 2020 to conduct a public hearing to consider the Adoption of Rule 1115 – Metal Parts & Products Coating Operations and approval of California Environmental Quality Act (CEQA) documentation.

Agenda Item 12 – Set date of June 8, 2020 to conduct a public hearing to consider the amendment of Rule 1117 – Graphic Arts and Paper, Film, Foil and Fabric Coatings and approval of California Environmental Quality Act (CEQA) documentation. Presenter: Alan De Salvio, Deputy Director – Operations.

Date set for June 8, 2020 to conduct a public hearing to consider the amendment of Rule 1117 – Graphic Arts and Paper, Film, Foil and Fabric Coatings and approval of California Environmental Quality Act (CEQA) documentation.

Agenda Item 13 – Set date of June 8, 2020 to conduct a public hearing to consider the amendment of Regulation III – Fees specifically the amendment of Rule 301 – Permit Fees, Rule 302 – Other Fees, and Rule 303 – Hearing Board Fees and approval of California Environmental Quality Act (CEQA) documentation. Presenter: Alan De Salvio, Deputy Director – Operations.

Date set for June 8, 2020 to conduct a public hearing to consider the amendment of Regulation III – Fees specifically the amendment of Rule 301 – Permit Fees, Rule 302 – Other Fees, and

Rule 303 – Hearing Board Fees and approval of California Environmental Quality Act (CEQA) documentation.

Agenda Item 14 – DEFERRED ITEMS.

None.

Agenda Item 15 – PUBLIC COMMENT.

None.

Agenda Item 16 – Receive and file. This item will inform the Governing Board regarding District actions responding to the impact of the Coronavirus, also known as COVID-19.

Presenter: Brad Poiriez, Executive Director/APCO.

Ryan Orr, Communications Supervisor, gave the presentation and answered questions from the Board. After discussion and upon motion by Board Member **MERL ABEL**, seconded by Board Member **JIM COX**, with ten **AYES** votes by Board Members **MERL ABEL, ED CAMARGO, JIM COX, CARMEN HERNANDEZ, KARI LEON, ROBERT LOVINGOOD, DANIEL MINTZ Sr., V. MANUEL PEREZ, BARBARA RIORDAN, and DAWN ROWE**, with Board Members **JOSEPH “JOEY” DECONINCK, WILLIAM “BILL” HOLLAND and JEFF WILLIAMS** absent, the board, **received and filed** item.

Agenda Item 17 – Adopt a Resolution proclaiming a local emergency. This action will adopt a Resolution proclaiming a local emergency to allow the MDAQMD to cooperate and coordinate with other local agencies. Presenter: Brad Poiriez, Executive Director/APCO.

Brad Poiriez, Executive Director/APCO, presented the background information and answered questions from the Board. After discussion and upon motion by Board Member **ROBERT LOVINGOOD**, seconded by Board Member **BARBARA RIORDAN**, with ten **AYES** votes by Board Members **MERL ABEL, ED CAMARGO, JIM COX, CARMEN HERNANDEZ, KARI LEON, ROBERT LOVINGOOD, DANIEL MINTZ Sr., V. MANUEL PEREZ, BARBARA RIORDAN, and DAWN ROWE**, with Board Members **JOSEPH “JOEY” DECONINCK, WILLIAM “BILL” HOLLAND and JEFF WILLIAMS** absent, the board, **adopted** Resolution 20-03, **“A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT (MDAQMD) PROCLAIMING A LOCAL EMERGENCY.”**

Agenda Item 18 – Adopt a Resolution confirming the Emergency Regulations (Standard Practice 4-21) for public meetings as issued by the Executive Director/APCO to mitigate transmission of COVID-19. Presenter: Brad Poiriez, Executive Director/APCO.

Brad Poiriez, Executive Director, presented the background information and answered questions from the Board. After discussion and upon motion by Board Member **MERL ABEL**, seconded by Board Member **JIM COX**, with ten **AYES** votes by Board Members **MERL ABEL, ED CAMARGO, JIM COX, CARMEN HERNANDEZ, KARI LEON, ROBERT LOVINGOOD, DANIEL MINTZ Sr., V. MANUEL PEREZ, BARBARA RIORDAN, and DAWN ROWE**, with Board Members **JOSEPH “JOEY” DECONINCK, WILLIAM “BILL” HOLLAND and JEFF WILLIAMS** absent, the board, **adopted** Resolution 20-04, **“A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT (MDAQMD) CONFIRMING EMERGENCY**

REGULATIONS (STANDARD PRACTICE 4-21) FOR PUBLIC MEETINGS AS ISSUED BY THE EXECUTIVE DIRECTOR/APCO TO MITIGATE TRANSMISSION OF COVID-19.”

Agenda Item 19 – Adopt a form Resolution (OES 130) designating agents for purpose of obtaining Federal financial assistance. Presenter: Brad Poiriez, Executive Director/APCO. Brad Poiriez, Executive Director/APCO, presented the background information and answered questions from the Board. After discussion and upon motion by Board Member **ED CAMARGO**, seconded by Board Member **KARI LEON**, with ten **AYES** votes by Board Members **MERL ABEL, ED CAMARGO, JIM COX, CARMEN HERNANDEZ, KARI LEON, ROBERT LOVINGOOD, DANIEL MINTZ Sr., V. MANUEL PEREZ, BARBARA RIORDAN, and DAWN ROWE**, with Board Members **JOSEPH “JOEY” DECONINCK, WILLIAM “BILL” HOLLAND and JEFF WILLIAMS absent**, the board, **adopted** Resolution 20-05, **“Form Resolution (OES 130) designating agents for purpose of obtaining Federal financial assistance.”**

Agenda Item 20 – Conduct a public hearing to consider the adoption 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, adopting the Rule and directing staff actions. Presenter: Alan De Salvio, Deputy Director – Operations. Vice Chair **CARMEN HERNANDEZ** opened the public hearing and polled the Board to see if any Board Member wished for the staff presentation to be given, hearing none, staff presentation was waived. Vice Chair **CARMEN HERNANDEZ** called for public comment, being none, Vice Chair **CARMEN HERNANDEZ** closed the public hearing. Upon motion by Board Member **MERL ABEL**, seconded by Board Member **JIM COX**, with ten **AYES** votes by Board Members **MERL ABEL, ED CAMARGO, JIM COX, CARMEN HERNANDEZ, KARI LEON, ROBERT LOVINGOOD, DANIEL MINTZ Sr., V. MANUEL PEREZ, BARBARA RIORDAN, and DAWN ROWE**, with Board Members **JOSEPH “JOEY” DECONINCK, WILLIAM “BILL” HOLLAND and JEFF WILLIAMS absent**, the board, **made** the determination that the California Environmental Quality Act (CEQA) Categorical Exemption applies; **waived** reading of Resolution; and **adopted Resolution 20-06, “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 21 – Conduct a public hearing to consider the adoption of Rule 1168 – Adhesive and Sealant Applications: 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 Rule and directing staff actions. Presenter: Alan De Salvio, Deputy Director – Operations. Vice Chair **CARMEN HERNANDEZ** opened the public hearing and polled the Board to see if any Board Member wished for the staff presentation to be given, hearing none, staff presentation

was waived. Vice Chair **CARMEN HERNANDEZ** called for public comment, being none, Vice Chair **CARMEN HERNANDEZ** closed the public hearing. Upon motion by Board Member **BARBARA RIORDAN**, seconded by Board Member **ED CAMARGO**, with ten **AYES** votes by Board Members **MERL ABEL, ED CAMARGO, JIM COX, CARMEN HERNANDEZ, KARI LEON, ROBERT LOVINGOOD, DANIEL MINTZ Sr., V. MANUEL PEREZ, BARBARA RIORDAN, and DAWN ROWE**, with Board Members **JOSEPH “JOEY” DECONINCK, WILLIAM “BILL” HOLLAND and JEFF WILLIAMS absent**, the board, **made** the determination that the California Environmental Quality Act (CEQA) Categorical Exemption applies; **waived** reading of Resolution; and **adopted** Resolution 20-07, **“A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, ADOPTING RULE 1168 – ADHESIVE AND SEALANT APPLICATIONS AND DIRECTING STAFF ACTIONS.”**

Agenda Item 22 – Reports:

Special notes from Mr. Poiriez:

- Welcome back of sorts. As all of us in our personal and business lives know the COVID19 pandemic has encompassed us to the point of new ways of doing business. We have had staff on telecommute agreements since March 17th, with only limited staff coming in for brief stints a couple times a week for essential work that needs to be processed – permit payments, payroll, etc. Our last Board meeting was held in February with March being cancelled due to the pandemic so I will only highlight a few events over the past couple months.
- Legislative Highlight/Update:
State Legislature – the Pro Tem is now saying that the legislature will go back in session on May 4th. This puts them on a really constrained timeframe in moving forward with an adoptable budget by June. It has been conveyed that each member should limit the amount of bills they move forward at this point to 2-3 bills; and preferably those bills should be related to getting economy and people back to work and COVID19 spending bills as well as the fiscal bills on budget.

Mr. Poiriez updated the Board of past events:

- Feb. 27th – I was a guest speaker at the California Cement Manufacturers Environmental Consortium (CCMEC). Discussed planned rules, fees, etc.
- Feb. 27th – Lucerne Valley School District had their new EV School Bus Delivered
- Feb.28th – Apple Valley School District had their EV School Bus Delivered
 - ** For both we had an award presentation scheduled in early April but had to postpone so we will be scheduling as soon as work returns to normal **
- March 11 – Management met on best practices for COVID19 practices and like I mentioned on March 17 we went into telecommute mode with staff signing telecommute contracts. Each section is having weekly calls; management sends out weekly updates, and are doing two-week incremental extensions of the contract while things are fluid. We are still open for business and have remained very busy.
- March 19th – Technical Advisory Committee (TAC) met and discussed 10 rules of which 2 are new and the rest revisions. TAC supported all. You acted on 2 today and will be seeing the rest of these rules over the next few meetings.
- April 14th – Attended video CAPCOA monthly Board meeting; besides this – CAPCOA

has been holding entire membership meetings every Monday to share experiences of how handling operations during COVID19 stay at home orders, even though we are considered essential.

- April 15th – Participated in the MEEC Board of Directors conference call – discussed impact of COVID19 on planned and ongoing programs
- April 21-22 – Participated in the WESTAR/WRAP annual, but abbreviated, Spring conference via webcast.
- April 22nd – This was the 50th Earth Day anniversary. The District participated through social media post.
- April 23-24 – Participated in the AAPCA annual, again abbreviated, Spring conference via web.

Other items of Interest:

- April 1st kicked off our new year-round Lawn and Garden Equipment Exchange program with Stihl. During our last Board meeting we had several questions regarding this program. We set aside \$100k annually for this program, this will be the first year contracted with Pacific Stihl to implement. With this program, a customer only pays \$75 for an electric trimmer/blower and \$125 for an electric mower. The program will be handled by certified Stihl dealers located in Blythe, Yucca Valley, Phelan, Hesperia, Wrightwood, Apple Valley, and Lucerne Valley.
- FARMER program – We have submitted 34 applications for consideration in the state pooled program that this year has \$4.9M in funds. We were awarded \$468,000 (6 projects) for Year 2, Round 1 funds.
- The MDAQMD Endowment to CSUSB gained 18.2% in 2019 and had a balance at the end of 2019 of \$108k. Communication staff have been working to expand the endowment and offerings. This is still a work in progress.
- May 4-8th will be Air Quality Awareness Week – we will participate via social media outlets.
- MDAQMD annual Poster Contest has been extended through September – The theme coincides with our new media outreach and website theme “Our Desert Air”.
- Budget – we are in full budget mode preparing to conduct the budget hearing on June 8 and the adoption of the budget on June 22nd. We still plan on proposing the 5% fee increase. As we stated during last year’s budget “this moderate, incremental, approach to fees is preferred instead of double-digit increases”. There will be a Budget committee meeting scheduled in the coming weeks to go over the draft proposed budget prior to the budget hearings.
- CIP – We continue to evaluate our 5-year Capital Improvement Program in light of the past year fiscal outlook of a potential recession coming soon.
- Executive Officer performance evaluation – You should have all received the forms and instructions on how to submit my annual evaluation. There is an option to complete online. I believe you can also submit hard copy if you choose. Please keep an eye out in your email inboxes for more info. If you have any questions on that please contact Jean Bracy. I anticipate having a Personnel Committee meeting in the coming weeks to discuss evaluation and contract.

Agenda Item 23 - Board Member Comments and Suggestions for Future Agenda Items.

- Board Member **MERL ABEL** thanked staff for their efforts with this meeting and for the

