

**Mojave Desert Air Quality Management District**  
**Brad Poiriez, Executive Director**  
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**REGULAR GOVERNING BOARD MEETING**  
**MONDAY, JUNE 8, 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  
Brigit Bennington, City of Hesperia – via telephone  
Ed Camargo, City of Adelanto – via telephone  
Jim Cox, City of Victorville  
Joseph “Joey” DeConinck, City of Blythe – via telephone  
Robert Lovingood, San Bernardino County  
Daniel Mintz, Sr., City of Twentynine Palms – via telephone  
Barbara Riordan, Public Member  
Dawn Rowe, San Bernardino County – via telephone

Board Members Absent:

*Jeff Williams, Chair, City of Needles*  
Kari Leon, Town of Apple Valley  
V. Manuel Perez, Riverside County

**CALL TO ORDER**

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

Vice Chair **CARMEN HERNANDEZ** asked Board Member **ROBERT LOVINGOOD** to 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(s) **BRIGIT BENNINGTON**. The Senior Executive Analyst swore-in Board Member **BRIGIT BENNINGTON**.

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 **ROBERT LOVINGOOD**, seconded by Board Member **JIM COX**, with ten **AYES** votes by Board Members **MERL ABEL, BRIGIT BENNINGTON, ED CAMARGO, JIM COX, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, ROBERT LOVINGOOD, DANIEL MINTZ, Sr., BARBARA RIORDAN, and DAWN ROWE** with Board Members, **KARI LEON, V. MANUEL PEREZ and JEFF WILLIAMS** absent, the board entered into **CLOSED SESSION at 10:16 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 – PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957). Title: Executive Director.

Agenda Item 3 – CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6). Agency Designated Representative: Personnel Committee. Unrepresented Employee: Executive Director.

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 10:48 a.m.**, and District Counsel Karen Nowak stated that the Board met in Closed Session on the above Agenda Items. Reportable action on Agenda Item #1 is the case has now been settled by SDRMA, the District’s Joint Powers Risk Management agency. A settlement agreement has been executed and the dismissal has been filed with the court. The District contributed \$200,000.00 towards the settlement. No reportable action for Agenda Items #2 & #3.

**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. 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 **MERL ABEL**, and carried by the

following roll call vote, with ten **AYES** votes by Board Members **MERL ABEL, BRIGIT BENNINGTON, ED CAMARGO, JIM COX, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, ROBERT LOVINGOOD, DANIEL MINTZ, Sr., BARBARA RIORDAN and DAWN ROWE, with Board Members, KARI LEON, V. MANUEL PEREZ and JEFF WILLIAMS absent,** on the Consent Calendar, as follows:

Agenda Item 4 – Approve Minutes from Regular Governing Board Meeting of April 27, 2020.  
**Approved** Minutes from Regular Governing Board Meeting of April 27, 2020.

Agenda Item 5 – 1) Extend the current engagement for audit services with Fedak & Brown, LLP, Riverside, for three fiscal years beginning FY20, and not to exceed \$50,000; and 2) authorize the Executive Director, or designee, to execute the engagement agreement. Presenter: Laquita Cole, Finance Manager.

1) **Extended** the current engagement for audit services with Fedak & Brown, LLP, Riverside, for three fiscal years beginning FY20, and not to exceed \$50,000; and 2) **authorized** the Executive Director, or designee, to execute the engagement agreement.

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 for FY20, through the month of March 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 March 2020, which provides financial information and budget performance concerning the fiscal status of the District.

Agenda Item 8 – Receive and file the Legislative Report for May 2020. Presenter: Brad Poiriez, Executive Director/APCO.  
**Received and filed** the Legislative Report for May 2020.

Agenda Item 9 – DEFERRED ITEMS.  
None.

Agenda Item 10 – PUBLIC COMMENT.  
None.

Agenda Item 11 – Consider recommendation(s) of the Personnel Committee and discuss a potential Amendment to the Employment Agreement (“Master Agreement”) with the Executive Director/Air Pollution Control Officer; adopt the Amendment; authorize the Chairman of the Governing Board to execute the amended agreement; and direct staff actions. Presenter: Jeff Williams, Governing Board Chair.

Vice Chair **CARMEN HERNANDEZ**, presented the background information and answered questions from the Board. After discussion and upon motion by Board Member **BARBARA**

**RIORDAN**, seconded by Board Member **MERL ABEL**, with nine **AYES** votes by Board Members **MERL ABEL, BRIGIT BENNINGTON, ED CAMARGO, JIM COX, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, DANIEL MINTZ Sr., BARBARA RIORDAN, and DAWN ROWE**, with Board Members, **KARI LEON, ROBERT LOGINGOOD, V. MANUEL PEREZ and JEFF WILLIAMS absent**, the board, considered recommendation(s) of the Personnel Committee and discuss a potential Amendment to the Employment Agreement (“Master Agreement”) with the Executive Director/Air Pollution Control Officer; **adopted** the Amendment; **authorized** the Chairman of the Governing Board to execute the amended agreement; and **directed** staff actions.

Agenda Item 12 – 1) Approve an amendment to the agreement between the Antelope Valley Air Quality Management District (AVAQMD) and the Mojave Desert Air Quality Management District (MDAQMD); and 2) authorize the Chair to execute the Agreement. Presenter: Brad Poiriez, Executive Director/APCO.

Executive Director, Brad Poiriez, presented the background information and answered questions from the Board. After discussion and upon motion by Board Member **JIM COX**, seconded by Board Member **BARBARA RIORDAN**, with nine **AYES** votes by Board Members **MERL ABEL, BRIGIT BENNINGTON, ED CAMARGO, JIM COX, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, DANIEL MINTZ Sr., BARBARA RIORDAN, and DAWN ROWE**, with Board Members, **KARI LEON, ROBERT LOVINGOOD, V. MANUEL PEREZ and JEFF WILLIAMS absent**, the board, 1) **Approved** an amendment to the agreement between the Antelope Valley Air Quality Management District (AVAQMD) and the Mojave Desert Air Quality Management District (MDAQMD); and 2) **authorized** the Chair to execute the Agreement.

Agenda Item 13 – Conduct a Public Hearing to receive comments and staff presentation for the proposed MDAQMD Budget for FY 2020-21: a. Open public hearing; b. Receive presentation; c. Receive public testimony; d. Close public hearing and continue the item to the Governing Board meeting of June 22, 2020 for adoption. Presenter: Jean Bracy, Deputy Director – Administration and Laquita Cole, Financial Manager.

Vice Chair **CARMEN HERNANDEZ** opened the public hearing. Jean Bracy, Deputy Director – Administration presented the staff presentation and answered questions from the Board. Vice Chair **CARMEN HERNANDEZ** called for public comment, being none, Vice Chair **CARMEN HERNANDEZ** closed the public hearing and continued the item to the Governing Board meeting of June 22, 2020 for adoption on the CONSENT CALENDAR.

Agenda Item 14 – 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; b. Receive staff report; c. Receive public testimony; d. Continue public Hearing to June 22, 2020. Presenter: Alan De Salvio, Deputy Director – Mojave Desert Operations.

Vice Chair **CARMEN HERNANDEZ** opened the public hearing. Brad Poiriez, Executive Director/APCO presented the staff report and answered questions from the Board. Vice Chair **CARMEN HERNANDEZ** called for public comment, being none, Vice Chair **CARMEN HERNANDEZ** closed the public hearing and continued the item to the Governing Board meeting of June 22, 2020 for adoption.

Agenda Item 15 – Conduct a public hearing to consider the amendment of Rule 1114 – Wood Products Coating Operations: a. Open public hearing; b. Receive public testimony; c. Continue public Hearing to June 22, 2020. Presenter: Alan De Salvio, Deputy Director, Mojave Desert Operations.

Vice Chair **CARMEN HERNANDEZ** opened the public hearing. Brad Poiriez, Executive Director/APCO, informed the Governing Board that last minute substantive comments were received and District Staff will need time to address those comments. District Staff requesting this item be continued to the Governing Board meeting of August 24, 2020. Vice Chair **CARMEN HERNANDEZ** continued this item to the Governing Board of August 24, 2020.

Agenda Item 16 – Conduct a public hearing to consider the amendment of Rule 1115 – Metal Parts & Products Coating Operations: 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 1115 and directing staff actions. Presenter: Alan De Salvio, Deputy Director – Mojave Desert Operations.

Vice Chair **CARMEN HERNANDEZ** opened the public hearing. Alan De Salvio, Deputy Director Mojave Desert Operations presented the staff report and answered questions from the Board. Vice Chair **CARMEN HERNANDEZ** called for public comment, being none, Vice Chair **CARMEN HERNANDEZ** closed the public hearing. Upon motion by Board Member **MERL ABLE**, seconded by Board Member **BARBARA RIORDAN**, with nine **AYES** votes by Board Members **MERL ABEL, BRIGIT BENNINGTON, ED CAMARGO, JIM COX, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, DANIEL MINTZ Sr., BARBARA RIORDAN, and DAWN ROWE, with Board Members, KARI LEON, ROBERT LOVINGOOD, V. MANUEL PEREZ 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 20-08, **A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION AMENDING RULE 1115 – METAL PARTS & PRODUCTS COATING OPERATIONS AND DIRECTING STAFF ACTIONS.”**

Agenda Item 17 – Conduct a public hearing to consider the amendment of Rule 1117 – Graphic Arts and Paper, Film, Foil and Fabric Coatings: 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 the Rule and directing staff actions. Presenter: Alan De Salvio, Deputy Director – Mojave Desert Operations.

Vice Chair **CARMEN HERNANDEZ** opened the public hearing. Brad Poiriez, Executive Director/APCO, informed the Governing Board that last minute substantive comments were received and District Staff will need time to address those comments. District Staff requesting this item be continued to the Governing Board meeting of August 24, 2020. Vice Chair **CARMEN HERNANDEZ** continued this item to the Governing Board of August 24, 2020.

Agenda Item 18 – Conduct a public hearing to consider the amendment of Rule 1118 – Aerospace Assembly, Rework and Component Manufacturing Operations: 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 the Rule and directing staff actions. Presenter: Alan De Salvio, Deputy Director – Mojave Desert Operations.

Vice Chair **CARMEN HERNANDEZ** opened the public hearing. Alan De Salvio, Deputy Director Mojave Desert Operations, presented the staff report and answered questions from the Board. Vice Chair **CARMEN HERNANDEZ** called for public comment, being none, Vice Chair **CARMEN HERNANDEZ** closed the public hearing. Upon motion by Board Member **BRIGIT BENNINGTON**, seconded by Board Member **ED CAMARGO**, with nine **AYES** votes by Board Members **MERL ABEL, BRIGIT BENNINGTON, ED CAMARGO, JIM COX, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, DANIEL MINTZ Sr., BARBARA RIORDAN, and DAWN ROWE, with Board Members, KARI LEON, ROBERT LOVINGOOD, V. MANUEL PEREZ 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 20-09, “**A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, AMENDING RULE 1118 – AEROSPACE ASSEMBLY, REWORK AND COMPONENT MANUFACTURING OPERATIONS AND DIRECTING STAFF ACTIONS.**”

Agenda Item 19 – Reports:

Mr. Poiriez updated the Board of past events:

- May 4-8: Celebrated Air Quality Awareness Week with social media posts and website content.
- May 4, 11, 18: Participated in weekly CAPCOA Membership Zoom meetings.
- May 7, 14, 21: Participated in the Caldwell Banker Symposium Zoom meetings.
- May 7: CAPCOA Legislative Committee meeting.
- May 8: Held Management Meeting planning transition back to office for staff.
- May 12: Had Personnel Committee Meeting and Budget Committee meeting.
- May12-13: Had CAPCOA Board of Directors meeting.
- May13: Staff held LMTF with Teamsters to discuss transitioning employees back into office.
- May14: CAPCOA Board calls with Legislature and CARB reps to discuss the release of the Governor’s May Revise budget.
- May 18-19: Participated in the NACAA Virtual Spring Membership meeting.
- May19: Met with EPA/CARB/staff to continue discussion on NSR rule revisions necessary for approval for Ozone SIP.
- May 20: Participated in the MEEC Board Meeting.
- May21: Participated in AAPCA Air Directors call.

Mr. Poiriez updated the Board of coming events:

- June 9-10: CAPCOA Board meeting.

- June 11: LMTF Follow up meeting.
- June 17: AAPCA Local Government Committee call.
- June 17: MEEC Board meeting.
- June 22: Next Board meeting: Important for quorum because need to adopt the budget.

Agenda Item 20 - Board Member Comments and Suggestions for Future Agenda Items.

- Board Member **BARBARA RIORDAN** requested an update on the State’s Budget at the next Governing Board meeting.
- Board Member **ROBERT LOVINGOOD** requested that the District prepare an agenda item in regards to the Center for Biodiversity petition seeking the designation of Joshua Tree’s as endangered. This designation, if granted, is a potential threat to economics and future development, including but not limited to renewable energy projects. Member **LOVINGOOD** would like this issue to be presented at the Governing Board meeting of June 22, 2020.

Being no further business, Vice Chair **CARMEN HERNANDEZ** adjourned the meeting at **11:53 a.m.** to the next Regular Meeting of *June 22, 2020*.

**ACTION OF THE GOVERNING BOARD**

**APPROVED**

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

**Ayes:            11      ABEL, BENNINGTON, COX, DECONINCK, HERNANDEZ,  
LEON, LOVINGOOD, MINTZ, PEREZ, RIORDAN, ROWE**

**Noes:**

**Absent:        2      CAMARGO, WILLIAMS**

**Abstain:**

**DEANNA HERNANDEZ, SENIOR EXECUTIVE ANALYST**

**BY Deanna Hernandez**

**Dated: June 22, 2020**