

Mojave Desert Air Quality Management District
Brad Poiriez, Executive Director
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REGULAR GOVERNING BOARD MEETING
MONDAY, AUGUST 24, 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
Ed Camargo, City of Adelanto
Jim Cox, City of Victorville
Joseph “Joey” DeConinck, City of Blythe – via telephone
William “Bill” Holland, City of Hesperia
Kari Leon, Town of Apple Valley
Robert Lovingood, San Bernardino County
Daniel Mintz, Sr., City of Twentynine Palms – via telephone
V. Manuel Perez, Riverside County – via telephone
Barbara Riordan, Public Member
Dawn Rowe, San Bernardino County

Board Members Absent:

Merl Abel, Town of Yucca Valley

CALL TO ORDER

Vice Chair **CARMEN HERNANDEZ** called the meeting to order at 10:06 a.m.

Vice Chair **CARMEN HERNANDEZ** asked Board Member **WILLIMA “BILL” HOLLAND** 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. No Members did so.

Vice Chair **CARMEN HERNANDEZ** called for **PUBLIC COMMENT**. Being none, moved onto the **CONSENT CALENDAR**.

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 **WILLIAM “BILL” HOLLAND**, and carried by the following roll call vote, with eleven **AYES** votes by Board Members, **ED CAMARGO, JIM COX, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, WILLIAM “BILL” HOLLAND, KARI LEON, DANIEL MINTZ, Sr., V. MANUEL PEREZ, BARBARA RIORDAN, DAWN ROWE, and JEFF WILLIAMS** with Board Member **JOSEPH “JOEY” DECONINCK** abstaining on agenda item #6 and Board Members **MERL ABEL** and **ROBERT LOVINGOOD** absent, on the Consent Calendar, as follows:

Agenda Item 1 – Approve Minutes from Regular Governing Board Meeting of June 22, 2020.
Approved Minutes from Regular Governing Board Meeting of June 22, 2020.

Agenda Item 2 – Amend the District’s Classification Plan to add two new Class Specifications: Planning/Air Monitoring Supervisor I/II and Manager series and the Administrative Services Supervisor I/II and Manager series; and revise the Class Specification for District Counsel; authorize the Executive Director/APCO to recruit to fill the positions at the appropriate time; authorize conforming changes to the Exempt Compensation Plan (ECP); and inform the Board regarding other administrative matters.

Presenter: Brad Poiriez, Executive Director/APCO.

Amended the District’s Classification Plan to add two new Class Specifications: Planning/Air Monitoring Supervisor I/II and Manager series and the Administrative Services Supervisor I/II and Manager series; and **revised** the Class Specification for District Counsel; **authorized** the Executive Director/APCO to recruit to fill the positions at the appropriate time; **authorized** conforming changes to the Exempt Compensation Plan (ECP); and **informed** the Board regarding other administrative matters.

Agenda Item 3 – Amend and update Governing Board Policy 06-02, “Authority of District Counsel.”

Presenter: Jean Bracy, Deputy Director – Administration.

Amended and updated Governing Board Policy 06-02, “Authority of District Counsel.”

Agenda Item 4 – 1) Authorize the acceptance of the 2019 Targeted Air Shed Grant Program award from the Environmental Protection Agency (EPA) in an amount of \$2,694,670.00 2) authorize the amendment of the MDAQMD FY 21 budget to increase Federal Revenue, 3) authorize the Executive Director/APCO to execute the grant agreement approved as to legal form, 4) authorize Executive Director/APCO to assign excess or additional funds under this program to eligible projects and direct staff to perform actions necessary to comply with program requirements.

Presenter: Jorge Camacho, Grants Analyst.

1) **Authorized** the acceptance of the 2019 Targeted Air Shed Grant Program award from the Environmental Protection Agency (EPA) in an amount of \$2,694,670.00 2) **authorized** the amendment of the MDAQMD FY 21 budget to increase Federal Revenue, 3) **authorized** the Executive Director/APCO to execute the grant agreement approved as to legal form, 4) **authorized** Executive Director/APCO to assign excess or additional funds under this program to eligible projects and direct staff to perform actions necessary to comply with program requirements.

Agenda Item 5 – 1) Authorize the acceptance of Assembly Bill 617 (AB 617) Community Air Protection Incentive funds (CAPP Year 3) from the California Air Resources Board (CARB) in an estimated amount of \$943,764.00 2) authorize the amendment of the MDAQMD FY 21 budget to increase State Revenue, 3) authorize the District's participation in the CAP Year 3 program in accordance with the Community Air Protection Incentives 2019 Guidelines, 4) authorize the Executive Director/APCO to execute the grant agreement approved as to legal form, 5) authorize Executive Director/APCO to assign excess or additional funds under this program to eligible projects and direct staff to perform actions necessary to comply with program requirements.

Presenter: Jorge Camacho, Grants Analyst.

1) **Authorized** the acceptance of Assembly Bill 617 (AB 617) Community Air Protection Incentive funds (CAPP Year 3) from the California Air Resources Board (CARB) in an estimated amount of \$943,764.00, 2) **authorized** the amendment of the MDAQMD FY 21 budget to increase State Revenue, 3) **authorized** the District's participation in the CAP Year 3 program in accordance with the Community Air Protection Incentives 2019 Guidelines, 4) **authorized** the Executive Director/APCO to execute the grant agreement approved as to legal form, 5) **authorized** Executive Director/APCO to assign excess or additional funds under this program to eligible projects and direct staff to perform actions necessary to comply with program requirements.

Agenda Item 6 – 1) Award an amount not to exceed \$1,270,565 in Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program) funds to the projects listed in Exhibit A; (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 Analyst.

1) **Awarded** an amount not to exceed \$1,270,565 in Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program) funds to the projects listed in Exhibit A; (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 7 – 1) Award an amount not to exceed \$308,799 in Community Air Protection Program (CAPP) Funds to Adelanto Elementary School District to replace one (1) additional diesel school bus with one (1) zero-emission all-electric school bus; (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 Analyst.

1) **Awarded** an amount not to exceed \$308,799 in Community Air Protection Program (CAPP) Funds to Adelanto Elementary School District to replace one (1) additional diesel school bus with one (1) zero-emission all-electric school bus; (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 – 1) Award an amount not to exceed \$170,372 in grant funds to the City of Twentynine Palms for the installation of electric vehicle charging stations; (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 Analyst.

1) **Awarded** an amount not to exceed \$170,372 in grant funds to the City of Twentynine Palms for the installation of electric vehicle charging stations; (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 9 – Receive and file the District Activity Report.

Presenter: Brad Poiriez, Executive Director/APCO.

Received and filed the District Activity Report.

Agenda Item 10 – Receive and file the Financial Report for **FY20**, through the month of **May-June 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 **May-June 2020**, which provides financial information and budget performance concerning the fiscal status of the District.

Agenda Item 11 – Receive and file the Legislative Report for August 2020.

Presenter: Brad Poiriez, Executive Director/APCO.

Received and filed the Legislative Report for August 2020.

Agenda Item 14 – DEFERRED ITEMS.

None.

Agenda Item 15 – PUBLIC COMMENT.

None.

Agenda Item 16 – Conduct a continued 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: a. Open continued public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the CEQA Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption amending Rules 301, 302, and 303.
Presenter: Alan De Salvio, Deputy Director – Mojave Desert Operations.

Vice Chair **CARMEN HERNANDEZ** opened the public hearing. Brad Poiriez, Executive Director/APCO presented background information 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 **WILLIAM “BILL” HOLLAND**, seconded by Board Member **BARBARA RIORDAN**, with twelve **AYES** votes by Board Members **ED CAMARGO, JIM COX, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, WILLIAM “BILL” HOLLAND, KARI LEON, ROBERT LOVINGOOD, DANIEL MINTZ Sr., V. MANUEL PEREZ, BARBARA RIORDAN, DAWN ROWE and JEFF WILLIAMS, and with Board Member MERL ABEL absent**, the board, **made** the determination that the California Environmental Quality Act (CEQA) Categorical Exemption applies; **waived** reading of Resolution; and **adopted** Resolution 20-12, **“A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, AMENDMENT OF REGULATION III – FEES AND DIRECTING STAFF ACTIONS.”**

Agenda Item 17 – Conduct a continued public hearing to consider the amendment of Rule 1114 – Wood 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 1114 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 **ROBERT LOVINGOOD**, seconded by Board Member **BARBARA RIORDAN**, with ten **AYES** votes by Board Members **ED CAMARGO, JIM COX, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, KARI LEON, ROBERT LOVINGOOD,**

DANIEL MINTZ Sr., V. MANUEL PEREZ, BARBARA RIORDAN and DAWN ROWE, with a NO vote by Board Member WILLIAM “BILL” HOLLAND and with Board Members MERL ABEL 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 20-13, “A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION AMENDING RULE 1114 – WOOD PRODUCTS COATING OPERATIONS AND DIRECTING STAFF ACTIONS.”

Agenda Item 18 – Conduct a continued 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. 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 **DAWN ROWE**, seconded by Board Member **WILLIAM “BILL” HOLLAND**, with twelve **AYES** votes by Board Members **ED CAMARGO, JIM COX, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, WILLIAM “BILL” HOLLAND, KARI LEON, ROBERT LOVINGOOD, DANIEL MINTZ Sr., V. MANUEL PEREZ, BARBARA RIORDAN, DAWN ROWE and JEFF WILLIAMS, with Board Member MERL ABEL absent, the board, made the determination that the California Environmental Quality Act (CEQA) Categorical Exemption applies; waived reading of Resolution; and adopted Resolution 20-14, “A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, AMENDING RULE 1117 – GRAPHIC ARTS AND PAPER, FILM, FOIL AND FABRIC COATINGS AND DIRECTING STAFF ACTIONS.”**

Agenda Item 19 – Reports:

Special notes from Mr. Poiriez:

- ❖ Mondays in July/August: Participated in weekly CAPCOA Membership Zoom meetings.
- ❖ We are in full swing for Fire Season as we have been kept busy tracking the Apple Fire and Stage Coach fires – issuing the appropriate smoke advisories, etc.
- ❖ Karen continues to meet with EPA/CARB/staff to continue discussions on NSR rule revisions legally necessary for approval for Ozone SIP.
- ❖ Jean has submitted the FEMA application for potential COVID reimbursement (unlikely).
- ❖ We were notified that the MDAQMD was successful in getting selected for the 2019/20 Targeted Airshed Grant (TAG) from EPA worth approx. \$3.2 million (overall) for a locomotive replacement project that will be done at CEMEX. Jorge worked extremely hard for two years with EPA and CARB to try and secure this grant – first time a medium district has received a TAG grant to my knowledge.

- ❖ Also, the contracts for the “Step-Up” locomotive replacement project between ourselves, SCAQMD, and Trona Rail were signed. A tier 0 locomotive will be scrapped and Trona Rail will get a newer Tier 2 unit.
- ❖ Admin and Fiscal staff have been tracking and participating in forums discussing the implications of the recent California Supreme Court ruling on the Alameda case regarding retirement programs, this is still ongoing.

Mr. Poiriez updated the Board of past events:

- July 14 – Myself and several staff attended a CARB training webinar for Variance/Hearing Boards. We are still trying to fill the medical seat on the Board if anyone has potential candidates please let myself or Deanna know.
- July 16 – Participated in web meeting of Inland Empire Chambers – guest speaker was Congressman Paul Cook.
- July 17 – In lieu of annual staff picnic, due to COVID, staff were given box lunches with the hope a picnic could be had at a later date.
- July 22 – Held Management Meeting – succession planning efforts, COVID safety and continuation main topics.
- August 3 – Began discussion on potential impacts to Retirement due to the California Supreme Court ruling in the Alameda case. Still ongoing, outside counsel BBK to provide clients with their interpretation of the ruling.
- August 5 – WRAP monthly Board call.
- August 6 – CAPCOA Legislative Committee call
- August 11-12 – CAPCOA Board of Directors meeting.
- August 17 – CAPCOA Medium District meeting
- August 19 – Participated in the MEEC Board Meeting
- August 20 – Participated in AAPCA Air Directors call
- August 20 – District hosted AB617 CAPP Community Zoom meeting.
- August 24 or 25 – Presentation of grant award to Adelanto Elementary School District for electric buses.

Mr. Poiriez updated the Board of coming events:

- September 2 – WRAP Board call
- September 8-9 – CAPCOA Board meeting
- September 22-23 – WRAP/WESTAR Fall Membership meeting
- September 28 – Next Board meeting

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

- Board Member **ED CAMARGO** thanked staff for approval of electric buses and for the additional grants being funded.

Being no further business, Vice Chair **CARMEN HERNANDEZ** adjourned the meeting at **11:10 a.m.** to the next Regular Meeting of *September 28, 2020*.

