

Mojave Desert Air Quality Management District
Brad Poiriez, Executive Director
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REGULAR GOVERNING BOARD MEETING
MONDAY, JUNE 14, 2021 - 10:00 A.M.
MDAQMD OFFICES, BOARD CHAMBERS
VICTORVILLE, CA

MINUTES

Board Members Present:

Merl Abel, Town of Yucca Valley, **Chair**
Elizabeth Becerra, City of Victorville
Brigit Bennington, City of Hesperia
Paul Cook, San Bernardino County – 1st District Supervisor
Stevevonna Evans, City of Adelanto – *via Zoom*
Kari Leon, Town of Apple Valley, **Vice Chair**
Barbara Riordan, Public Member –
Dawn Rowe, San Bernardino County, 3rd District Supervisor – *via Zoom*
Tim Silva, City of Barstow

Board Members Absent:

Joey DeConinck, City of Blythe
Dan Mintz, Sr., City of Twentynine Palms
V. Manuel Perez, Riverside County
Jeff Williams, City of Needles

CALL TO ORDER

Chair **MERL ABEL** called the meeting to order at 10:21 am and asked Executive Director/APCO **BRAD POIRIEZ** to lead the Pledge of Allegiance.

Chair **MERL ABEL** called for Roll Call – Deanna Hernandez, Senior Executive Analyst, called roll.

Special Announcements/Presentation – Employee Recognition Service Award presented to Chris Collins for 30 years of service.

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

Chair **MERL ABEL** called for **PUBLIC COMMENT**. At this time, no public comment was made in person, telephonically or electronically, moved onto **CLOSED SESSION**.

CLOSED SESSION

Upon motion by Board Member **BARBARA RIORDAN**, seconded by Board Member **PAUL COOK**, and carried by the following roll call vote, with nine **AYES** votes by Board Members, **MERL ABEL, ELIZABETH BECERRA, BRIGIT BENNINGTON, PAUL COOK, STEVEVONNA EVANS, KARI LEON, BARBARA RIORDAN, DAWN ROWE, and TIM SILVA** with Board Members **JOSEPH “JOEY” DECONINCK, DANIEL MINTZ, Sr., V. MANUEL PEREZ** and **JEFF WILLIAMS** absent, the board entered into **CLOSED SESSION at 10:28 a.m.**

Agenda Item 1 – PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957). Title: 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 10:49 a.m., and Special Counsel Piero Dallarda stated that the Board met in Closed Session on the above agenda item and reported that the Board deemed the performance evaluation of Mr. Poiriez completed; accepted the report from the Personnel Committee regarding the performance evaluation of Mr. Poiriez; determined that Mr. Poiriez has received a performance evaluation well above satisfactory; and directed legal counsel to place the Board’s performance evaluation of Mr. Poiriez in Mr. Poiriez’s confidential employee file.

CONSENT CALENDAR – Chair **MERL ABEL** polled the Board to determine if any member wished 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 **TIM SILVA**, and carried by the following roll call vote, with nine **AYES** votes by Board Members, **MERL ABEL, ELIZABETH BECERRA, BRIGIT BENNINGTON, PAUL COOK, STEVEVONNA EVANS, KARI LEON, BARBARA RIORDAN, DAWN ROWE, and TIM SILVA** with Board Members **JOSEPH “JOEY” DECONINCK, DANIEL MINTZ, Sr., V. MANUEL PEREZ** and **JEFF WILLIAMS** absent, on the Consent Calendar, as follows:

Agenda Item 2 – Approve Minutes from Regular Governing Board Meeting of April 26, 2021.
Approved Minutes from Regular Governing Board Meeting of April 26, 2021.

Agenda Item 3 – Appoint Jesse Cain to the Hearing Board of the Mojave Desert Air Quality Management District (MDAQMD) as a Public Member for a 3-year term to expire June 14, 2024.

Presenter: Brad Poiriez, Executive Director/APCO.

Appointed Jesse Cain to the Hearing Board of the Mojave Desert Air Quality Management District (MDAQMD) as a Public Member for a 3-year term to expire June 14, 2024.

Agenda Item 4 – Receive and file the District Activity Report.

Presenter: Brad Poiriez, Executive Director/APCO.

Received and filed the District Activity Report.

Agenda Item 5 – DEFERRED ITEMS.

None.

Agenda Item 6 – PUBLIC COMMENT.

No public comment was made in person, telephonically or electronically.

Agenda Item 7 – Conduct a Public Hearing to receive comments and staff presentation for the proposed MDAQMD Budget for FY 2021-22: 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 28, 2021 for adoption.

Presenter: Laquita Cole, Finance Manager.

Chair **MERL ABEL** opened the public hearing. Laquita Cole, Finance Manager, presented the staff report and answered questions from the Board. Chair **MERL ABEL** called for public comment, no public comment was made in person, telephonically or electronically, so being none, Chair **MERL ABEL** closed the public hearing and continued item to the meeting of June 28, 2021 for adoption.

Agenda Item 8 – 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: 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.

Chair **MERL ABEL** opened the public hearing. Alan De Salvio, presented background information and answered questions from the Board. Chair **MERL ABEL** called for public comment, no public comment was made in person, telephonically or electronically, so being none, Chair **MERL ABEL** closed the public hearing. Upon motion by Board Member **ELIZABETH BECERRA**, seconded by Board Member **BRIGIT BENNINGTON**, with nine **AYES** votes by Board Members, **MERL ABEL, ELIZABETH BECERRA, BRIGIT BENNINGTON, PAUL COOK, STEVEVONNA EVANS, KARI LEON, BARBARA RIORDAN, DAWN ROWE, and TIM SILVA** with Board Members **JOSEPH “JOEY” DECONINCK, DANIEL MINTZ, Sr., 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 21-04, **“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 9 – 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 Chair of the Governing Board to execute the amended agreement; and direct staff actions.

Presenter: Merl Abel, Governing Board Chair.

Chair **MERL ABEL** opened the discussion and answered questions from the Board. After discussion and upon motion by Board Member **BARBARA RIORDAN**, seconded by Board Member **ELIZABETH BECERRA**, with nine **AYES** votes by Board Members, **MERL ABEL, ELIZABETH BECERRA, BRIGIT BENNINGTON, PAUL COOK, STEVEVONNA EVANS, KARI LEON, BARBARA RIORDAN, DAWN ROWE, and TIM SILVA with Board Members JOSEPH “JOEY” DECONINCK, DANIEL MINTZ, Sr., V. MANUEL PEREZ and JEFF WILLIAMS absent**, the board, **considered** recommendation(s) of the Personnel Committee and **discussed** a potential Amendment to the Employment Agreement (“Master Agreement”) with the Executive Director/Air Pollution Control Officer; **adopted** the Amendment; **authorized** the Chair of the Governing Board to execute the amended agreement; and direct staff actions.

Agenda Item 10 – Consider Personnel Committee’s recommendation that its membership be expanded from 3 (three) to 5 (five) members. Consistent with past Board practices, the Board Chair would appoint and the entire Board ratify the Committee members based on the availability, willingness and ability of Board members to serve. Because the Personnel Committee is a standing committee, future Board action will be necessary to proceed with the Personnel Committee’s recommendation and direct staff action consistent with the Board’s decision.

Presenter: Merl Abel, Governing Board Chair.

Chair **MERL ABEL** opened the discussion and answered questions from the Board. After discussion and upon motion by Board Member **TIM SILVA**, seconded by Board Member **BRIGIT BENNINGTON**, with nine **AYES** votes by Board Members, **MERL ABEL, ELIZABETH BECERRA, BRIGIT BENNINGTON, PAUL COOK, STEVEVONNA EVANS, KARI LEON, BARBARA RIORDAN, DAWN ROWE, and TIM SILVA with Board Members JOSEPH “JOEY” DECONINCK, DANIEL MINTZ, Sr., V. MANUEL PEREZ and JEFF WILLIAMS absent**, the board, **considered** Personnel Committee’s recommendation that its membership be expanded from 3 (three) to 5 (five) members. Consistent with past Board practices, the Board Chair wishes to appoint Board Members **KARI LEON, ELIZABETH BECERRA and BRIGIT BENNINGTON** (alternate) and the entire Board will ratify the Committee members based on the availability, willingness and ability of Board members to serve.

Agenda Item 11 – Reports:

Special notes from Mr. Poiriez:

- ❖ Back at the end of May in the Assembly and Budget Subcommittee hearings, both chambers rejected budget trailer bill language extending all AB 8 (Carl Moyer and 923) extension citing since they are not set to expire until 2024. It is not totally dead since this is a Governor and Administration proposal but he will have to fight for it to make it happen this year.

- ❖ As you know, the Governor has stated he will lift certain COVID related orders on June 15th, however the Governor has committed that the current Brown Act waivers under Executive Order N-29-20 will not terminate on June 15 and will work with stakeholders to provide notice of the eventual discontinuation of the order so that they have time to prepare. This is the EO that allows us to have Zoom and other forms of meetings and still meet the Brown Act requirements.

Mr. Poiriez updated the Board of past events:

- June 2 - participated in the WRAP/WESTAR June Board zoom call.
- June 3 - Met with Robert Martinez, architect, regarding the next project of our CIP – North Parking Lot security fencing. As those of you that came today can see both parking lot restructure projects is complete.
- June 8 – Staff did a site visit to Victory Design – a specialty permit that deals a lot with fiberglass materials, we have been working with the facility on several permitting and compliance issues and a site visit offered by the owner for hands on was appropriate.
- June 9 - 10 Participated in the CAPCOA Board meeting. More details to follow at the June 28th meeting.
- June 10 - After a year hiatus due to COVID-19, the District held our employee picnic at Sunset Ridge Park.

Mr. Poiriez updated the Board of coming events:

- June 28 – Budget adoption and regular Board meeting.

Agenda Item 12 - Board Member Comments and Suggestions for Future Agenda Items.

- Chair **ABEL** thanked those Board Members to volunteered for the Personnel Committee.
- Board Member **COOK** expressed his concern regarding traffic accidents on Interstate 15 with regards to their impact on air pollution; suggesting the possibility of dedicated truck lanes to help alleviate air pollution.
- Board Member **ROWE** appreciates Mr. Poiriez's knowledge and thanked him for his dedicated performance to the air district.

Being no further business, Chair **MERL ABEL** adjourned the meeting at **11:55 a.m.** to the next Regular Meeting of **June 28, 2021**.

ACTION OF THE GOVERNING BOARD

APPROVED

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

**Ayes: 9 ABEL, BECERRA, BENNINGTON, COOK, LEON, PEREZ,
RIORDAN, ROWE, SILVA**

Noes:

Absent: 4 DECONINCK, EVANS, MINTZ, WILLIAMS

Abstain:

DEANNA HERNANDEZ, SENIOR EXECUTIVE ANALYST

BY *Deanna Hernandez*

Dated: June 28, 2021