

**MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
REGULAR GOVERNING BOARD MEETING
MONDAY, JUNE 27, 2016 - 10:00 A.M.
BOARD CHAMBERS, MDAQMD OFFICES
VICTORVILLE, CA**

MINUTES

Board Members Present:

Robert Lovingood, Chair, San Bernardino County
Jim Cox, Vice-Chair, City of Victorville
Barb Stanton, Town of Apple Valley
Carmen Hernandez, City of Barstow
Barbara Riordan, Public Member
Joseph "Joey" DeConinck, City of Blythe
Robert Leone, Town of Yucca Valley
Jeff Williams, City of Needles
Paul Russ, City of Hesperia
John J. Benoit, Riverside County

Board Members Absent:

James Ramos, San Bernardino County
John Cole, City of Twentynine Palms
Ed Camargo, City of Adelanto

CALL TO ORDER

Chair **ROBERT LOVINGOOD** called the meeting to order at 10:00 a.m. and asked Vice-Chair **JIM COX** to lead the Pledge of Allegiance.

Chair **ROBERT LOVINGOOD** asked the Clerk to call roll; roll was called.

CONSENT CALENDAR - 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 **CARMEN HERNANDEZ**, and carried by roll call vote, with abstentions on #1 by Board Member **PAUL RUSS** and on #2 by Board Member **CARMEN HERNANDEZ**, as follows:

Agenda Item 1 – Approve Minutes from Regular Governing Board Meeting of May 23, 2016.
Approved the minutes from the Regular Governing Board meeting of May 23, 2016.

Agenda Item 2 – Approve Minutes from Governing Board Meeting of June 16, 2016.
Approved the minutes from the Governing Board meeting of June 16, 2016.

Agenda Item 3 – Receive and File: Finance Report and Budget Performance.
DEFERRED FOR DISCUSSION (see Deferred Items).

Agenda Item 4– Receive and File: Information addressing Governing Board discussion April 25, 2016 with regard to the OPEB Actuarial Report, the Retiree Health Benefit, and cost recovery for contracted staff benefits.

Received and filed the information addressing Governing Board discussion April 25, 2016 with regard to the OPEB Actuarial Report, the Retiree Health Benefit, and cost recovery for contracted staff benefits.

Agenda Item 5 – Receive and File: The Legislative Report for June 7, 2016.

Received and filed the Legislative Report for June 7, 2016.

Agenda Item 6 – DEFERRED ITEMS:

Agenda Item #3 Receive and File: Finance Report and Budget Performance.

Deferred for discussion by Board Member **PAUL RUSS**. Board Member Russ asked questions and Staff member Laquita Colc addressed Board Member Russ's questions. Following discussion, Upon Motion by Board Member **PAUL RUSS**, Seconded by Board Member **BARBARA RIORDAN**, and carried by unanimous roll call vote, the Board **received and filed** the finance report and budget performance.

Agenda Item 7 – PUBLIC COMMENT.

None

Agenda Item 8 – Conduct a Continued Public Hearing to receive comments and staff presentation for the proposed MDAQMD Budget for FY 2016-17: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Adopt a resolution approving and adopting the budget for FY 2016-17.

Chair **ROBERT LOVINGOOD** opened the public hearing. Staff member Laquita Cole presented the staff report. Chair **ROBERT LOVINGOOD** solicited public comment, being none; Chair **ROBERT LOVINGOOD** closed the public hearing. Upon Motion by Board Member **BARBARA RIORDAN**, Second by Board Member **CARMEN HERNANDEZ**, and carried with eight **AYES** votes by Board Members **JOSEPH DECONINCK, JOHN BENOIT, ROBERT LOVINGOOD, CARMEN HERNANDEZ, BARB STANTON, BARBARA RIORDAN, JEFF WILLIAMS** and **ROBERT LEONE** and two **NOES** votes by Board Members **PAUL RUSS** and **JIM COX**, the Board adopted **RESOLUTION 16-02**, titled, "**A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT APPROVING AND ADOPTING THE PROPOSED OPERATING BUDGET FOR FISCAL YEAR 2016-17.**"

Agenda Item 9 – Conduct a continued public hearing to consider the amendment of Regulation III – Fees: 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 Regulation and directing staff actions.

Chair **ROBERT LOVINGOOD** opened the public hearing. It was the Board consensus to waive presentation. Chair **ROBERT LOVINGOOD** solicited public comment, being none; Chair **ROBERT LOVINGOOD** closed the public hearing. Upon Motion by Board Member **JOHN BENOIT**, Second by Board Member **CARMEN HERNANDEZ**, and carried with six **AYES** votes by Board Members **JOHN BENOIT, ROBERT LOVINGOOD, CARMEN HERNANDEZ, BARB STANTON, BARBARA RIORDAN and ROBERT LEONE** and four **NOES** votes by Board Members **JOSEPH DECONINCK, PAUL RUSS, JIM COX and JEFF WILLIAMS**, the Board adopted **RESOLUTION 16-03, titled, “A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, AMENDING REGULATION III – FEES AND DIRECTING STAFF ACTIONS.”**

Agenda Item 10 – Conduct a public hearing to consider the amendment of Regulation XIII – New Source Review (specifically Rules 1300 – General, 1302 – Procedure and 1320 – New Source Review for Toxic Air Contaminants) and adoption of Rule 1600 – Prevention of Significant Deterioration: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Continue hearing to July 25, 2016.

Staff member Alan De Salvo provided background information and staff recommendation. Mr. De Salvo answered questions from Board Members. Chair **ROBERT LOVINGOOD** opened the public hearing and solicited public comment. Being none, Chair **ROBERT LOVINGOOD** continued the public hearing to July 25, 2016.

Agenda Item 11 – Adopt a Resolution to authorize the District to participate in the Public Agencies Post-Employment Benefits Trust administered by Public Agency Retirement System (PARS); Authorize a deposit up to \$1,000,000; Appoint the Executive Director/APCO as the Plan Administrator; and Authorize the Executive Director/APCO to execute the documents to implement the program.

Due to additional information requested by the Board, Upon Motion by Board Member **PAUL RUSS**, Seconded by Board Member **BARB STANTON**, and carried by unanimous roll call vote, the Board continued the item to August 22, 2016.

Agenda Item 12 – Reports:

Executive Director Eldon Heaston expressed his appreciation for the Board’s support during his tenure with the Mojave Desert Air Quality Management District.

Agenda Item 13 - Board Member Comments and Suggestions for Future Agenda Items.

Board Members Barbara Riordan, Jim Cox, Barb Stanton, Jeff Williams, Carmen Hernandez, Robert Leone, Chair Robert Lovingood and Supervisor John Benoit all expressed their best wishes, appreciation and congratulations to retiring Executive Director Eldon Heaston.

CLOSED SESSION

Upon Motion by Board Member **CARMEN HERNANDEZ**, Seconded by Board Member **PAUL RUSS** and carried by unanimous roll call vote, the Board adjourned to Closed Session at 11:18 a.m.

Agenda Item 14 - CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Significant exposure to litigation pursuant to Government Code Section 54956.9 (b): (2 Cases).

Agenda Item 15 – CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6). Agency Designated Representatives: Eldon Heaston. Employee Organization: SBPEA, Teamsters Local 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 11:51 a.m., and Special Counsel **Piero Dallarda** stated that the Board met in Closed Session on Items #14 and #15. Special Counsel Dallarda stated for the record that there was no reportable action on Item #14 and reported that for Item #15 Roger Crawford is the agency’s designated representative as unanimously voted for by all Board Members present minus Board Member **BARB STANTON** who left the Closed Session at 11:48 a.m.

Being no further business, Chair **ROBERT LOVINGOOD** adjourned the meeting at **11:52 a.m.** to the next Regular Meeting of *July 25, 2016*.

**ACTION OF THE GOVERNING BOARD
APPROVED**

Upon Motion by **JIM COX**, Seconded by **CARMEN HERNANDEZ**, as approved by the following roll call vote:

**Ayes: 11 DECONINCK, LOVINGOOD, RUSS, BENOIT, COX, LEONE,
RIORDAN, WILLIAMS, CAMARGO, COLE, HERNANDEZ**

Noes:

Absent: 2 STANTON, RAMOS

Abstain:

Vacant:

DEANNA HERNANDEZ, EXECUTIVE LEAD

BY 

Dated: AUGUST 22, 2016