

Mojave Desert Air Quality Management District
Brad Poiriez, Executive Director
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REGULAR GOVERNING BOARD MEETING
MONDAY, SEPTEMBER 27, 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
Joseph “Joey” DeConinck, City of Blythe – *via Zoom*
Stevevonna Evans, City of Adelanto – *via Zoom*
Kari Leon, Town of Apple Valley, **Vice Chair**
Dan Mintz, Sr., City of Twentynine Palms – *via Zoom*
V. Manuel Perez, Riverside County, 4th District Supervisor – *via Zoom*
Barbara Riordan, Public Member – *via Zoom*
Dawn Rowe, San Bernardino County, 3rd District Supervisor – *via Zoom*
Tim Silva, City of Barstow

Board Members Absent:

Jeff Williams, City of Needles

CALL TO ORDER

Chair **MERL ABEL** called the meeting to order at 10:00 am and asked Board Member **PAUL COOK** to lead the Pledge of Allegiance.

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

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 **CONSENT CALENDAR**.

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 **BRIGIT BENNINGTON**, seconded by Board Member **BARBARA RIORDAN**, and carried by the following roll call vote, with twelve **AYES** votes by Board Members, **MERL ABEL, ELIZABETH BECERRA, BRIGIT BENNINGTON, PAUL COOK, JOSEPH “JOEY” DECONINCK, STEVEVONNA EVANS, KARI LEON, DANIEL MINTZ, Sr., V. MANUEL PEREZ, BARBARA RIORDAN, DAWN ROWE and TIM SILVA**, with Board Member **JEFF WILLIAMS absent**, on the Consent Calendar, as follows:

Agenda Item 1 – Approve Minutes from Regular Governing Board Meeting of August 23, 2021.
Approved Minutes from Regular Governing Board Meeting of August 23, 2021.

Agenda Item 2 – Receive and file comparison of MDAQMD stipend with stipends for other air districts and local entities. Presenter: Brad Poiriez, Executive Director/APCO.
Received and filed comparison of MDAQMD stipend with stipends for other air districts and local entities.

Agenda Item 3 – Receive and file the District Activity Report.
Presenter: Brad Poiriez, Executive Director/APCO.
Received and filed the District Activity Report.

Agenda Item 4 – Receive and file the Financial Report for FY21, through the month of July 2021, which provides financial information and budget performance concerning the fiscal status of the District. Presenter: Laquita Cole, Finance Manager
Received and filed the Financial Report for FY21, through the month of July 2021, which provides financial information and budget performance concerning the fiscal status of the District.

Agenda Item 5 – Receive and file the Legislative Report for September 2021.
Presenter: Brad Poiriez, Executive Director/APCO
Received and filed the Legislative Report for September 2021.

Agenda Item 6 – DEFERRED ITEMS.
None.

Agenda Item 7 – PUBLIC COMMENT.
No public comment was made in person, telephonically or electronically.

Agenda Item 8 – Discuss and finalize action on 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, Chair, Governing Board.

Special Counsel **PIERO DALLARDA** 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. After discussion and upon motion by Board Member **ELIZABETH BECERRA**, seconded by Board Member **TIM SILVA**, and carried by the following roll call vote, with twelve **AYES** votes by Board Members, **MERL ABEL, ELIZABETH BECERRA, BRIGIT BENNINGTON, PAUL COOK, JOSEPH “JOEY” DECONINCK, STEVEVONNA EVANS, KARI LEON, DANIEL MINTZ, Sr., V. MANUEL PEREZ, BARBARA RIORDAN, DAWN ROWE and TIM SILVA**, with Board Member **JEFF WILLIAMS** absent, the board, **finalized** action on 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 9 – Conduct a public hearing to consider the amendment of MDAQMD Federal 75 ppb Ozone Attainment Plan (Western Mojave Desert Nonattainment Area): 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 APCO.

Chair **MERL ABEL** opened the public hearing. Brad Poiriez, Executive Director/APCO, 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. The determination was made that the California Environmental Quality Act (CEQA) Categorical Exemption applies and reading of the resolution was waived. Upon motion by Board Member **ELIZABETH BECERRA**, seconded by Board Member **LIZ BECERRA**, and carried by the following roll call vote, with twelve **AYES** votes by Board Members, **MERL ABEL, ELIZABETH BECERRA, BRIGIT BENNINGTON, PAUL COOK, JOSEPH “JOEY” DECONINCK, STEVEVONNA EVANS, KARI LEON, DANIEL MINTZ, Sr., V. MANUEL PEREZ, BARBARA RIORDAN, DAWN ROWE and TIM SILVA**, with Board Member **JEFF WILLIAMS** absent, the board, **adopted** Resolution 21-08, “**A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, AMENDING THE MDAQMD 75 PPB OZONE ATTAINMENT PLAN (WESTERN MOJAVE DESERT NONATTAINMENT AREA) AND DIRECTING STAFF ACTIONS.**”

Agenda Item 10 – Adopt a resolution reaffirming the local Declaration of Emergency as adopted on April 27, 2020; ratifying the proclamation of a State of Emergency by the Governor on March 4, 2020; and authorizing remote teleconference meetings of the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD) for the period of September 27, 2021 through October 27, 2021 pursuant to provisions of the Brown Act.

Presenter: Brad Poiriez, Executive Director/APCO.

Brad Poiriez, Executive Director/APCO, 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. After discussion, reading of the resolution was waived. Upon motion by Board Member **MERL ABEL**, seconded by Board Member **BARBARA RIORDAN**, and carried by the following roll call vote, with twelve **AYES** votes by Board Members, **MERL ABEL, ELIZABETH BECERRA, BRIGIT BENNINGTON, PAUL COOK, JOSEPH “JOEY” DECONINCK, STEVEVONNA EVANS, KARI LEON, DANIEL MINTZ, Sr., V. MANUEL PEREZ, BARBARA RIORDAN, DAWN ROWE and TIM SILVA**, with Board Member **JEFF WILLIAMS** absent, the board, **adopted Resolution 21-09, “A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT REAFFIRMING THE LOCAL DECLARATION OF EMERGENCY AS ADOPTED ON APRIL 27, 2020; RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNER ON MARCH 4, 2020; AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT FOR THE PERIOD OF SEPTEMBER 27, 2021 THROUGH OCTOBER 27, 2021 PURSUANT TO PROVISIONS OF THE BROWN ACT.”**

Agenda Item 11 – Presentation – Technology Services.

Presenter: Presenter: Trevor Samorajski & William Berghoff, System Administrator I. Trevor Samorajski, System Administrator I, presented a power point presentation and answered questions from the Board. No action taken by the Board as this item is information only.

Agenda Item 12 – Reports:

Special notes from M. Poiriez:

- ❖ Next Board meeting will be held October 25th.

Mr. Poiriez updated the Board of past events:

- August 25th – Had a conference call with the cement industry CCMEC to discuss implementation of CARB changes on AB2588 and CTR
- August 25th – Had a zoom meeting on Community Air Protection Program to receive input/comments.
- August 26th – Was speaker for air quality class at CSUSB. Other staff members also have given presentations including Alan and Karen, and soon Ryan and other staff.
- Sept. 1st – Attended the CSDA conference, SDRMA had a very nice recognition for Jean and her impending retirement.
- Sept. 3rd – Had a call with EPA Region 9 regarding the need and process to adopt federally enforceable 185 fee rules in both MD and AV. More to come in coming months. This is required by the FCAA for severe and extreme nonattainment areas and the rules would only be triggered if there is a finding of failure to attain an Ozone standard.
- Sept. 8th – Had the Southwest Exceptional Events Working Group (SEEWG) quarterly meeting.
- Sept. 9th - Legislature sent SB170 (Budget Bill Jr.) and SB155 (Resources Trailer Bill) as the vehicles to move the budget to the Governor’s desk for signature.

Of note: In response to a June [Capital Public Radio report](#) that the Governor overstated progress on priority wildfire prevention projects, the resources trailer bills require the Natural Resources Agency, beginning on April 1, 2022, to produce an annual report (until April 1, 2026) on all programs related to wildfires and forest resilience funded pursuant

to the Budget Act of 2020 and the Budget Act of 2021 for the purpose of informing the Legislature and the public on the agency's implementation of the funded programs.

Also included: \$42.58 M from the APCF for FARMER

\$170M from GGRF for FARMER

*30M to ARB for SORE incentive program to provide incentives for professional landscaping services in California operated by small businesses or sole proprietors to purchase zero-emission small off-road equipment. AB 1346 – directs CARB to phase out the sale of SORE by 2024 or as soon as feasible, whichever is later.

For AB617: Pretty much same as last year:

\$260M for incentives \$50M for implementation. \$10M for community-based organization grants

In the Resource Trailer Bill:

- Extends SB 901 (Dodd) Healthy Forests and Wildfire Prevention \$200M continuous appropriation funding five years to the 2028-29 fiscal year (it was previously funded through the 2023-24 fiscal year). Similar to before, \$165M is for healthy forest and fire prevention programs and projects and \$35M is for prescribed fire and other fuel reduction projects, including the operation of year-round prescribed fire crews and implementation of a research and monitoring program for climate adaptation.
 - Community Resilience Centers Grant Program. Clean Air Centers eligible for funding. Upon appropriation in the budget act, \$25M in 2022–23 and \$75M 2023–24 to the Strategic Growth Council, in coordination with OPR, for the establishment of the grant program.
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- Sept. 10th – Joint call between executive staff of both SCAQMD and MDAQMD on a request received by SCAQMD Board Member Rutherford on potential of reassignment of mountain communities from SC to MD. Discussed the legalities, possibilities, challenges, etc. of such an idea for both Districts. Both Districts are in agreement that this is not in the best interest of MD and there is an enormous amount of issues may include that CARB and/or EPA may not approve even if the Districts remotely thought this was a good idea.
 - Sept. 14th – had a call with Congresswoman Norma Torres to discuss MP mine/Molcorp and past compliance history, and educate her with our involvement with the facility. We are still trying to set up a tour of the facility in October for interested Board members, stay tuned.
 - Sept. 14th – had a call with EPA Region IX staff regarding the process of our 2008 Ozone SIP, approvals forthcoming with a deferral on the contingency measure portion of the SIP until summer of 2022.
 - Sept. 14-16th -participated virtually in the CAPCOA rural District APCO conference.
 - Sept. 15th – Participated in the AAPCA Local Government Committee call.
 - Sept. 15th – Attended MEEC Board meeting.
 - Sept. 16th – Participated in the AAPCA Fall 2021 Air Director Board meeting
 - Sept. 21st – met with Chairman and APCO of AVAQMD to have personnel and contract discussions.
 - Sept. 24th – Staff held a Retirement luncheon for Jean, this was her last day at the District and we all wished her well in her well-deserved retirement.

