

Mojave Desert Air Quality Management District
Brad Poiriez, Executive Director
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REGULAR GOVERNING BOARD MEETING
MONDAY, JUNE 12, 2023 - 10:00 A.M.
MDAQMD OFFICES, BOARD CHAMBERS
VICTORVILLE, CA

MINUTES

Board Members Present:

Merl Abel, Town of Yucca Valley,
Elizabeth Becerra, City of Victorville
Brigit Bennington, City of Hesperia, *Vice Chair*
Paul Cook, San Bernardino County, 1st District Supervisor
Joseph “Joey” DeConinck, City of Blythe – *via teleconference*
Carmen Hernandez, City of Barstow
Kari Leon, Town of Apple Valley, *Chair*
Henry Longbrake (, City of Needles – *via teleconference*
Robert Lovingood, Public Member
Gabriel Reyes, City of Adelanto
Dawn Rowe, San Bernardino County, 3rd District Supervisor – *via teleconference*

Board Members Absent:

Dan Mintz, Sr., City of Twentynine Palms
V. Manuel Perez, Riverside County, 4th District Supervisor

CALL TO ORDER

Chair **KARI LEON** called the meeting to order at 10:01 am and asked Vice Chair **BRIGIT BENNINGTON** to lead the Pledge of Allegiance.

MOVE TO SWEARING-IN OF NEW BOARD MEMBER(S) – ROBERT LOVINGOOD.
Deanna Hernandez, Senior Executive Analyst, swore-in Board Member **ROBERT LOVINGOOD.**

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

PUBLIC COMMENT – The public may comment on any item not listed on the agenda. For comments relating to a specific item, please use the public comment card and specify the number of the item on which you wish to speak and submit it to the Clerk.

In compliance with the Brown Act, the Governing Board may not discuss or take action on non-agenda items or engage in question and answer sessions with the public. The Governing Board may ask brief questions for clarification, provide a reference to staff or other reference for factual information and or direct staff to add an item to a subsequent meeting.

Chair **KARI LEON** called for **PUBLIC COMMENT**. No public comment made in person or electronically, so being none, Chair **LEON** moved onto **CLOSED SESSION**.

CLOSED SESSION

Upon motion by Board Member **MERL ABEL**, seconded by Board Member **CARMEN HERNANDEZ**, and carried by the following roll call vote, with eleven **AYES** votes by Board Members, **MERL ABEL, ELIZABETH BECERRA, BRIGIT BENNINGTON, PAUL COOK, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, KARI LEON, ROBERT LOVINGOOD, HENRY LONGBRAKE, GABRIEL REYES, and DAWN ROWE** with Board Members **DANIEL MINTZ, Sr. and V. MANUEL PEREZ**, absent, the board entered into **CLOSED SESSION** at 10:06 a.m.

Agenda Item 1 – CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code Section 54956.9(b). Potential cases = 1.

Agenda Item 2 – PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Government Code Section 54957. Title: Executive Director/APCO.

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:

Upon motion by Vice Chair **BRIGIT BENNINGTON**, seconded by Board Member **CARMEN HERNANDEZ**, and carried by the following roll call vote, with eleven **AYES** votes by Board Members, **MERL ABEL, ELIZABETH BECERRA, BRIGIT BENNINGTON, PAUL COOK, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, KARI LEON, ROBERT LOVINGOOD, HENRY LONGBRAKE, GABRIEL REYES, and DAWN ROWE** with Board Members **DANIEL MINTZ, Sr. and V. MANUEL PEREZ**, absent, the board entered into **OPEN SESSION** at 10:38 a.m. Piero Dallarda, Special Counsel, stated for the record that the Governing Board met in Closed Session to discuss Agenda Items #1 & #2. Agenda Item #1 reportable action is authorizing District Staff to participate in the Emission Reduction Credits

(ERC) lawsuit filed against San Joaquin Valley Unified APCD. Agenda Item #2 reportable action is that the Board notes that the evaluation of Mr. Poiriez is now complete, Mr. Poiriez received a satisfactory evaluation, and staff is directed to file the evaluation in Mr. Poiriez's personnel file.

CONSENT CALENDAR – Chair **KARI LEON** 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 **ELIZABETH BECERRA**, seconded by Board Member **CARMEN HERNANDEZ**, and carried by the following roll call vote, with eleven **AYES** votes by Board Members, **MERL ABEL, ELIZABETH BECERRA, BRIGIT BENNINGTON, PAUL COOK, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, KARI LEON, ROBERT LOVINGOOD, HENRY LONGBRAKE, GABRIEL REYES, and DAWN ROWE** with Board Members **DANIEL MINTZ, Sr. and V. MANUEL PEREZ, absent**, on the Consent Calendar, as follows:

Agenda Item 3 – Approve Minutes from Regular Governing Board Meeting of April 24, 2023.
Approved Minutes from Regular Governing Board Meeting of April 24, 2023.

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 – Receive and file Financial Reports for March 2023, which reflects the District's financial and budgetary performance to date.
Presenter: Laquita Cole, Finance Manager.
Received and filed Financial Reports for March 2023, which reflects the District's financial and budgetary performance to date.

Agenda Item 6 – DEFERRED ITEMS.
None.

Agenda Item 7 – Adopt resolution amending the Conflict of Interest Code for the Mojave Desert Air Quality Management District (MDAQMD) and direct staff action.
Presenter: Brad Poiriez, Executive Director/APCO.
Brad Poiriez, Executive Director/APCO, provided the staff report and answered questions from the Board. After discussion Chair **KARI LEON** called for public comment, no public comment was made in person or electronically. Being none, Chair **KARI LEON** called for a motion. Upon motion by Board Member **ROBERT LOVINGOOD**, seconded by Board Member **CARMEN HERNANDEZ**, and carried by the following roll call vote, with eleven **AYES** votes by Board Members, **MERL ABEL, ELIZABETH BECERRA, BRIGIT BENNINGTON, PAUL COOK, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, KARI LEON, ROBERT LOVINGOOD, HENRY LONGBRAKE, GABRIEL REYES, and DAWN ROWE** with Board Members **DANIEL MINTZ, Sr. and V. MANUEL PEREZ, absent**, the board, adopted Resolution 23-11, “A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT ADOPTING AMENDMENTS TO THE MDAQMD CONFLICT OF INTEREST CODE AND DIRECTING STAFF ACTION.”

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, Rule 303 – Hearing Board Fees, and Rule 312 – Fees for Federal Operating Permits: 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, 303, and 312.

Presenter: Alan De Salvio, Deputy APCO.

Chair **KARI LEON** opened the public hearing. Alan De Salvio, Deputy APCO, provided the staff report and answered questions from the Board. After discussion Chair **KARI LEON** called for public comment, no public comment was made in person or electronically, being none, Chair **KARI LEON** closed the public hearing, made the determination that the CEQA Categorical Exemption applies, and waved reading of the resolution. Upon motion by Board Member **ELIZABETH BECERRA**, seconded by Board Member **CARMEN HERNANDEZ**, and carried by the following roll call vote, with ten **AYES** votes by Board Members, **MERL ABEL, ELIZABETH BECERRA, BRIGIT BENNINGTON, PAUL COOK, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, KARI LEON, HENRY LONGBRAKE, GABRIEL REYES, and DAWN ROWE** with Board Members **DANIEL MINTZ, Sr. and V. MANUEL PEREZ**, absent, the board, adopted Resolution 23-12, “**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 9 – Conduct a Public Hearing to receive comments and staff presentation for the proposed MDAQMD Budget for FY 2023-24: a. Open public hearing; b. Receive presentation; c. Receive public testimony; d. Close public hearing and continue the public hearing to the Governing Board meeting of June 26, 2023 for adoption.

Presenter: Laquita Cole, Finance Manager.

Chair **KARI LEON** opened the public hearing. Laquita Cole, Finance Manager, provided the staff report and answered questions from the Board. After discussion Chair **KARI LEON** called for public comment, no public comment was made in person or electronically, being none, Chair **KARI LEON** closed the public hearing and continued the public hearing to the Governing Board meeting of June 26, 2023 for adoption.

Agenda Item 10 – Executive Director Reports:

Miscellaneous:

- ❖ Welcome back Robert Lovingood to the Board, looking forward to continuing to work with you.
- ❖ May 11 – was notified by CARB, we were successful in our Moyer Reserve Yr. 25 application: The award is for: Total: \$1,773,700, Project Funds: \$1,551,987.00, Admin Funds: 221,713. The funds will need to be spent on a VIP program which we will have to develop.
- ❖ June 1-2 –Was a panelist speaker at the IEA (Industrial Environmental Association) Conference. About 500 attendees.

- ❖ June 8 – we held our staff picnic, gave out co-employee of the year award – Chris Wills of Monitoring, and Karen Nowak – Counsel.
- ❖ The District is currently in the recruitment process to fill four positions (2-AQS in Compliance, 1-AQE in Permitting, and 1 – AQS in Grants) starting in the new budget year starting in July.
- ❖ State Budget - Budget bills AB 101 and SB 101 went into print late last night. These bills, which appear to be identical, likely represent only a two-party agreement between the Assembly and Senate. In order to meet the June 15th deadline to pass a budget, the Legislature will send one of these bills (most likely SB 101 to the Governor and then negotiations will continue with the Administration to work toward an agreement between all three parties to meet the June 30th deadline for the Governor to sign a budget. Included in the budget a couple of our grant programs -

AB 617

- \$300M total (up from \$250M proposed by Governor). All GGRF funding.
- \$60M implementation (up from \$50M proposed by the Governor).
- \$234M incentives (up from \$195M proposed by the Governor).
- \$6M for Community Grants (up from \$5M proposed by the Governor). There is budget language that allows grants to be used to support community participation, including activities that enable meeting attendance. This looks to be in response to AB 849 (E. Garcia), the South Coast sponsored bill which CAPCOA supported.

FARMER

- \$100M GGRF. The Governor's Budget zeroed it out which the Assembly went along with until now. The Senate proposed the \$100M.
- ❖ A few pieces of legislation updates:
 - AB 985 (Arambula) SJV ERC program - Passed with amendments to modify scope of ARB's analysis of SJV's ERC program and make other changes - Party line vote.
 - AB1609 (Garcia) – proposes to increase DMV fee surcharge from current \$4 to \$8 (an additional \$4). Held in Committee – which means dies in house of origin.
 - SB 563 (Archuleta) Independent special district definition/air districts - South Coast sponsored, supported by CAPCOA - Held in committee.

Mr. Poiriez updated the Board of past events:

- May 3 – Follow up meeting with BNSF and their consultants regarding the BIG project and status update. Hope to have release of environmental docs by last quarter of 2023 coinciding with City of Barstow General Plan updates. (**BNSF have indicated that they would be a speaking sponsor at this year’s CDAWG)
- May 3 – started initial discussions with Greenlane and consultant GNA to partner with the District to submit a grant application today of roughly \$49M for funding for potentially two Medium-Heavy Duty truck electric charging stations in our jurisdiction along one of our busier corridors. Hopefully we will be successful in the award, which would be the largest in the District’s history.
- May 8-10 - Attended the NACAA Spring Conference – Topics included: Status of automakers prep for 100% Zero Emissions by 2035 (hint infrastructure concern), local agencies roundtable issues discussion, Conversation with Nominee for EPA Asst. Administrator for Office of Air and Radiation – Joe Goffman, NAAQS and other Implementation Issues – both policy and technical updates, transportation related air quality issues, addressing Title VI Civil Rights complaints.

- May 11 – EPA briefing for States and locals on Proposed Power Plant Regulations – we would have potentially two power projects impacted (GHG).
- May 15 – had a call with EPA Region IX and OAQPS, CAPCOA and other Districts on Good Neighbor Ozone FIP – many states in litigation and a stay has been placed but California not opposing. They did make some concessions in final rule approval that removes the emissions cap on cement facilities. Cement facilities will probably be ok, compressing stations outside FONA will be required to upgrade engines.
- May 17 – attended the MEEC Board meeting.
- May 22-25– Attended the CAPCOA Spring Conference – items discussed: Wildfire Outlook for 2023, Legislative Updates, Defining and Achieving Diversity, Equity, and Inclusion, AI and its role in Air Quality, Roundtable with Reg. IX EPA Air Director, IRA and BIL funding, State and Federal Mobile Source Programs Update.

Mr. Poiriez updated the Board of coming events:

- June 15 – AAPCA Air Director Call
- June 21 – CAPCOA June Board Call (Zoom)
- June 21 – AAPCA Local Government Committee Air Director Call
- June 21 – MEEC Board meeting

Next Board meeting will be June 26, 2023 that includes Budget adoption (need a quorum).

Agenda Item 11 - Board Member Comments and Suggestions for Future Agenda Items.

- Board Member **ABEL** commented on lithium mining – essential minerals.
- Board Member **BENNINGTON** thanked Mr. Poiriez and staff – amazing work.
- Board Member **COOK** inquired if the District could possibly ask both Brightline and the current State Controller of California to attend the California Desert Air Working Group conference in November 2023.
- Board Member **LOVINGOOD** stated that he will be absent for the June 26, 2023 Governing Board meeting.

Being no further business, Chair **KARI LEON** adjourned the meeting at **11:32 a.m.** to the next Regular Meeting of **June 26, 2023.**

ACTION OF THE GOVERNING BOARD

APPROVED

Upon Motion by **BRIGIT BENNINGTON**, seconded by **ELIZABETH BECERRA**, as approved by the following roll call vote:

Ayes: 10 ABEL, BECERRA, BENNINGTON, COOK, DECONINCK, HERNANDEZ, LEON, MCCORKLE, MINTZ, ROWE

Noes:

Absent: 3 LOVINGOOD, PEREZ, REYES

Abstain:

DEANNA HERNANDEZ, SENIOR EXECUTIVE ANALYST

BY *Deanna Hernandez*

Dated: June 26, 2023