

**MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
REGULAR GOVERNING BOARD MEETING
MONDAY, SEPTEMBER 28, 2009 - 10:00 A.M.
BOARD CHAMBERS, MDAQMD OFFICES
VICTORVILLE, CA**

MINUTES

Board Members Present:

Bob Sagona, Chair, Town of Apple Valley
Robert Crain, City of Blythe (absent for #1-4)
Lori Herbel, Town of Yucca Valley
Barbara Riordan, Public Member
Ed Pack, City of Hesperia
John Cole, City of Twentynine Palms
Joe Gomez, City of Barstow
Neil Derry, San Bernardino County
Brad Mitzelfelt, San Bernardino County
Charley B. Glasper, City of Adelanto
Mike Rothschild, City of Victorville

Board Members Absent:

Paul Biane, San Bernardino County
Jeff Williams, City of Needles

CALL TO ORDER

Chair Sagona called the meeting to order at 10:05 a.m. and Barbara Riordan led the Pledge of Allegiance. Chair Sagona noted that Neil Derry from San Bernardino is videoconferencing today and Andy Silva and Marshall Riley were attending via videoconference.

Eldon Heaston presented Chair Sagona with a 10 yr. service appreciation certificate and thanked him for his service on the Governing Board.

Eldon Heaston and Chair Sagona presented the 2008/09 Exemplar Award to Mark Ziesmar of Sultana High School in Hesperia.

CONSENT CALENDAR - The following consent items were acted upon by the Board at one time without discussion, Upon Motion by **BARBARA RIORDAN**, Seconded by **CHARLEY GLASPER**, and carried by unanimous roll call vote, the Board acted as follows:

Agenda Item 1 – Approve Minutes from Regular Governing Board Meeting of August 24, 2009.
Approved Minutes from Regular Governing Board Meeting of August 24, 2009 with no changes.

Agenda Item 2 – Finance Report.

Received and filed finance report for period covering July, 2009, as provided for information as to the District's financial performance relative to the budget for the current fiscal year.

Agenda Item 3 – Approve an agreement with the Community Foundation to create the Mojave Desert Supplemental Environmental Project Fund (MD-SEP Fund) to implement the provisions of Governing Board Policy 98-01. Authorize the Chairman to sign agreement subject to legal review of agreement.

Approved an agreement with the Community Foundation to create the Mojave Desert Supplemental Environmental Project Fund (MD-SEP Fund) to implement the provisions of Governing Board Policy 98-01. Authorize the Chairman to sign agreement subject to legal review of agreement.

Agenda Item 4 – DEFERRED ITEMS.

None.

Agenda Item 5 – PUBLIC COMMENT.

Norm Diaz, representing hinkley.org provided handouts and gave public testimony regarding the Nursery Products project.

Mark Orr, resident of Hinkley, gave public testimony regarding the Nursery Products project.

Agenda Item 6 – Conduct a public hearing to consider the amendments of Rule 1117 – Graphic Arts and Paper, Film, Foil and Fabric Coating; a. Open public testimony; b. Receive staff report (including feasibility analysis); 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 Rule 1117 – and directing staff actions.

Alan DeSalvio presented staff recommendation and answered questions from Board Members. Upon Motion by **CHARLEY GLASPER**, Seconded by **JOE GOMEZ**, and carried by unanimous roll call vote, the Board adopted Resolution **09-07**, titled, **“A RESOLUTION OF THE GOVERNING BODY 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 7 – Conduct a public hearing to consider the amendments of Rule 1159 – Stationary Gas Turbines; a. Open public testimony; b. Receive staff report (including feasibility analysis); 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 Rule 1159 – and directing staff actions.

Upon Motion by **JOE GOMEZ**, Seconded by **CHARLEY GLASPER**, and carried by unanimous roll call vote, the Board adopted Resolution **09-08**, titled, **“A RESOLUTION OF THE GOVERNING BODY OF THE MOJAVE DESERT AIR QUALITY**

MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, AMENDING RULE 1159 – STATIONARY GAS TURBINES AND DIRECTING STAFF ACTIONS.”

Agenda Item 8 – Reports:

Eldon Heaston noted that Jean Bracy was successful in attaining a seat on the SDRMA Board of Directors. Mr. Heaston also informed the Board that the District held their 14th Annual Pollution Prevention Contest and the winners are displayed at the back of the Chambers for them to view. The Awards Ceremony will take place at the District on Wednesday, September 30 at 5:00 p.m. and is open to the public.

Agenda Item 14 - Board Member Reports and Suggestions for Future Agenda Items.

None.

CLOSED SESSION

The Board adjourned to Closed Session at 10:40 a.m.

Agenda Item 10 – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Government Code Section 54956.9(a)) Name of Case: Natural Resources Defense Council, Communities for a Better Environment, Coalition for a Safe Environment, California Communities Against Toxics vs. South Coast Air Quality Management District; Inland Energy, Mojave Desert Air Quality Management District, Antelope Valley Air Quality Management District Real Parties in Interest. Superior Court of Los Angeles – Central District Case No BS110792 (on appeal Second Appellate District, Division Seven Case No B212646).

Agenda Item 11 - CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Government Code Section 54956.9 (a)). Number of Cases (1). Name of Case: California Unions for Reliable Energy, Center for Biological Diversity and Frank Leivas vs. Mojave Desert Air Quality Management District and Eldon Heaston in his official capacity as the Air Pollution Control Officer. Superior Court, Riverside County, Indio Branch Case No. INC071192.

Agenda Item 12 - CONFERENCE WITH LEGAL COUNSEL – Existing litigation (Pursuant to

Government Code Section 54956.9(a)) Number of Cases (1). Name of Case: California Unions for Reliable Energy, Center for Biological Diversity and Frank Leivas vs. Mojave Desert Air Quality Management District and Eldon Heaston in his official capacity as the Air Pollution Control Officer. Superior Court, Riverside County, Indio Branch Case No INC082200.

Agenda Item 13 - CONFERENCE WITH LEGAL COUNSEL – Existing litigation (Pursuant to

Government Code Section 54956.9(a)) Number of Cases (1). Name of Case: HelpHinkley.org an unincorporated association vs. Mojave Desert Air Quality Management District. Superior Court, San Bernardino County, Barstow District, Case No. CIVBS 800976.

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 10:48 a.m., and Piero Dallarda, Special Counsel, stated for the record that the Governing Board had met in Closed Session on Items #10-13 and the Board acted as follows:

Item #10 – The Board withdrew the appeal in the matter by unanimous roll call vote of the members present.

Items # 11 through 13 – No reportable action.

Being no further business, Chair Sagona **adjourned the meeting at 11:25 a.m.** to the next Regular scheduled meeting of October 26, 2009 at 10:00 a.m.