

**MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT  
REGULAR GOVERNING BOARD MEETING  
MONDAY, JUNE 26, 2017 - 10:00 A.M.  
BOARD CHAMBERS, MDAQMD OFFICES  
VICTORVILLE, CA**

MINUTES

Board Members Present:

Jim Cox, Chair, City of Victorville  
Jeff Williams, Vice Chair, City of Needles  
Carmen Hernandez, City of Barstow  
Joseph "Joey" DeConinck, City of Blythe  
Robert Leone, Town of Yucca Valley  
John Cole, City of Twentynine Palms  
Barbara Riordan, Public Member  
Robert Lovingood, San Bernardino County  
Paul Russ, City of Hesperia  
Barb Stanton, Town of Apple Valley  
Ed Camargo, City of Adelanto

Board Members Absent:

V. Manuel Perez, Riverside County  
James Ramos, San Bernardino County

**CALL TO ORDER**

Chair **JIM COX** called the meeting to order at 10:01 a.m. and asked Board Member **ROBERT LOVINGOOD** to lead the Pledge of Allegiance.

Chair **JIM COX** asked for roll call; roll was called.

Chair **JIM COX** called for items with potential conflict of interest – for information only: None

Special Counsel Piero Dallarda took this time to add a new item to the agenda, there is a bill that is going to go to the Senate Judiciary Committee hearing on June 27, 2017 regarding the California Public Records Act. Executive Director Brad Poiriez stated the District was notified on Saturday, June 24, 2017 of an urgent legislative matter, AB 1479 (Bonta) Public Records: Custodian of Records: Civil Penalties and would like to add this item to the discussion calendar. Upon motion by Board Member **PAUL RUSS**, Seconded by Board Member **ROBERT LOVINGOOD**, and carried by unanimous roll call vote, with ten **AYES** votes by Board Members **ROBERT LOVINGOOD, PAUL RUSS, ED CAMARGO, CARMEN HERNANDEZ, BARB STANTON, BARBARA RIORDAN, JIM COX, JOHN COLE, JEFF WILLIAMS and ROBERT LEONE** the Board **added** the item to the discussion calendar as item #13a. This action is pursuant to the Ralph M. Brown Act Section 54954.2 (2) (b).

Chair **JIM COX** called for PUBLIC COMMENT – None made at this time.

**CLOSED SESSION**

Chair **JIM COX** notified the Board, and verified by District Counsel, that there was no new information to discuss in Closed Session. Chair **JIM COX** deemed Closed Session unnecessary.

Agenda Item 1 - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Name of Case: Michele Baird vs MDAQMD et. al CIVDS 1612446 San Bernardino County Superior Court (Government Code Section 54956.9).

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.

**CONSENT CALENDAR** - The following consent items were acted upon by the Board at one time without discussion, upon motion by Board Member **ROBERT LOVINGOOD**, Seconded by Board Member **PAUL RUSS**, and carried by the following roll call vote, with eleven **AYES** votes by Board Members **JOSEPH DECONINCK, ROBERT LOVINGOOD, PAUL RUSS, ED CAMARGO, CARMEN HERNANDEZ, BARB STANTON, BARBARA RIORDAN, JIM COX, JOHN COLE, JEFF WILLIAMS and ROBERT LEONE** with one abstention by Board Member **ED CAMARGO** for agenda item #2 as follows:

Agenda Item 2 – Approve Minutes from Regular Governing Board Meeting of June 12, 2017.  
**Approved** the minutes from the Regular Governing Board meeting of June 12, 2017.

Agenda Item 3 – Amend the MDAQMD Exempt Compensation Plan (ECP) to incorporate changes in specified terms and conditions, to conform to the recently adopted Memorandum of Understanding (MOU) and make other administrative changes.

**Amended** the MDAQMD Exempt Compensation Plan (ECP) to incorporate changes in specified terms and conditions, to conform to the recently adopted Memorandum of Understanding (MOU) and make other administrative changes.

Agenda Item 4 – Adopt a Resolution authorizing a policy allowing nonexempt employees to sell back or convert leave to cash during the course of employment; and direct the Executive Director to revise or develop appropriate documents to implement the policy, including any necessary revisions or restrictions as may be required by applicable by law.

Upon motion by Board Member **ROBERT LOVINGOOD**, Seconded by Board Member **PAUL RUSS**, and carried by unanimous roll call vote, with eleven **AYES** votes by Board Members **JOSEPH DECONINCK, ROBERT LOVINGOOD, PAUL RUSS, ED CAMARGO, CARMEN HERNANDEZ, BARB STANTON, BARBARA RIORDAN, JIM COX, JOHN COLE, JEFF WILLIAMS and ROBERT LEONE** the Board **adopted RESOLUTION 17-09, titled, “A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT AUTHORIZING A POLICY ALLOWING NONEXEMPT EMPLOYEES TO SELL BACK OR CONVERT LEAVE TO CASH DURING THE COURSE OF EMPLOYMENT; AND DIRECT THE**

**EXECUTIVE DIRECTOR TO REVISE OR DEVELOP APPROPRIATE DOCUMENTS TO IMPLEMENT THE POLICY.”**

Agenda Item 5 – Adopt a Resolution for the Election of Directors to the Special District Risk Management Authority Board of Directors to select Jean Bracy and up to three others as candidates of the Board’s selection.

Upon motion by Board Member **ROBERT LOVINGOOD**, Seconded by Board Member **PAUL RUSS**, and carried by unanimous roll call vote, with eleven **AYES** votes by Board Members **JOSEPH DECONINCK, ROBERT LOVINGOOD, PAUL RUSS, ED CAMARGO, CARMEN HERNANDEZ, BARB STANTON, BARBARA RIORDAN, JIM COX, JOHN COLE, JEFF WILLIAMS and ROBERT LEONE** the Board **adopted RESOLUTION 17-10, titled, “A RESOLUTION OF THE GOVERNING BODY OF THE Mojave Desert Air Quality Management District FOR THE ELECTION OF DIRECTORS TO THE SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY BOARD OF DIRECTORS.”**

Agenda Item 6 – Receive and File: The Legislative Report for June 8, 2017.  
**Received and Filed** the Legislative Report for June 8, 2017.

Agenda Item 7 – DEFERRED ITEMS:  
None

Agenda Item 8 – PUBLIC COMMENT.  
None

Agenda Item 9 – Conduct a Continued Public Hearing to receive comments and staff presentation for the proposed MDAQMD Budget for FY 2017-18: 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 2017-18.

Chair **JIM COX** opened the public hearing. Chair **JIM COX** solicited public comment, being none; Chair **JIM COX** closed the public hearing. Upon motion by Board Member **ROBERT LOVINGOOD**, Seconded by Board Member **JOHN COLE**, and carried by unanimous roll call vote, with eleven **AYES** votes by Board Members **JOSEPH DECONINCK, ROBERT LOVINGOOD, PAUL RUSS, ED CAMARGO, CARMEN HERNANDEZ, BARB STANTON, BARBARA RIORDAN, JIM COX, JOHN COLE, JEFF WILLIAMS and ROBERT LEONE** the Board **adopted RESOLUTION 17-11, 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 2017-18.”**

Agenda Item 10 – Approve spending authority for the District consistent with the Fiscal Year 2016-17 Budget until the FY 2017-18 Budget is adopted.

Chair **JIM COX** withdrew item as unnecessary as the previous item #9 was adopted.

Agenda Item 11 – 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 Regulation III – Fees and directing staff actions.

Chair **JIM COX** opened the public hearing. Staff Member Alan De Salvio presented the staff report. Chair **JIM COX** solicited public comment, being none; Chair **JIM COX** closed the public hearing. Upon motion by Board Member **JEFF WILLIAMS**, Seconded by Board Member **BARBARA RIORDAN**, and carried by unanimous roll call vote, with eleven **AYES** votes by Board Members **JOSEPH DECONINCK, ROBERT LOVINGOOD, PAUL RUSS, ED CAMARGO, CARMEN HERNANDEZ, BARB STANTON, BARBARA RIORDAN, JIM COX, JOHN COLE, JEFF WILLIAMS and ROBERT LEONE** the Board **adopted RESOLUTION 17-12, 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 12 – Conduct a public hearing to consider the amendment of Rule 1158 – *Electric Generating Facilities* and approval of California Environmental Quality Act (CEQA) documentation. : a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Direct staff actions.

Chair **JIM COX** opened the public hearing. Staff Member Alan De Salvio presented the staff report. Chair **JIM COX** solicited public comment, being none; Chair **JIM COX** closed the public hearing. Upon motion by Board Member **PAUL RUSS**, Seconded by Board Member **JEFF WILLIAMS**, and carried by unanimous roll call vote, with eleven **AYES** votes by Board Members **JOSEPH DECONINCK, ROBERT LOVINGOOD, PAUL RUSS, ED CAMARGO, CARMEN HERNANDEZ, BARB STANTON, BARBARA RIORDAN, JIM COX, JOHN COLE, JEFF WILLIAMS and ROBERT LEONE** the Board **adopted RESOLUTION 17-13, titled, “A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, AMENDING RULE 1158 – ELECTRIC POWER GENERATING FACILITIES AND DIRECTING STAFF ACTIONS.”**

Agenda Item 13 – Conduct a public hearing to consider amendments to proposed Rule 1162 *Polyester Resin Operations* and 2. Continue public hearing to July 24, 2017.

Chair **JIM COX** opened the public hearing. Staff Member Alan De Salvio presented the staff report. Chair **JIM COX** solicited public comment, being none and upon motion by Board Member **ROBERT LOVINGOOD**, Seconded by Board Member **PAUL RUSS**, and carried by unanimous roll call vote, with eleven **AYES** votes by Board Members **JOSEPH DECONINCK, ROBERT LOVINGOOD, PAUL RUSS, ED CAMARGO, CARMEN HERNANDEZ, BARB STANTON, BARBARA RIORDAN, JIM COX, JOHN COLE, JEFF WILLIAMS and ROBERT LEONE** the Board **continued** the item to the Governing Board Meeting of July 24, 2017.

Agenda Item 13a – AB 1479 (Bonta) Public Records: Custodian of Records: Civil Penalties.

(Added as an urgency item by vote of the Governing Board)

Executive Director Brad Poiriez provided background information and staff recommendation. Mr. Poiriez answered questions from Board Members. Chair **JIM COX** solicited public comment. Upon motion by Board Member **PAUL RUSS**, Seconded by Board Member **JEFF WILLIAMS**, and carried by unanimous roll call vote, with eleven **AYES** votes by Board Members **JOSEPH DECONINCK, ROBERT LOVINGOOD, PAUL RUSS, ED CAMARGO, CARMEN HERNANDEZ, BARB STANTON, BARBARA RIORDAN, JIM COX, JOHN COLE, JEFF WILLIAMS and ROBERT LEONE** the Board **approved** staff recommendation to oppose AB 1479 (Bonta) Public Records: Custodian of Records: Civil Penalties and directed staff action.

Agenda Item 14 – Reports:

Executive Director Brad Poiriez:

- Mr. Poiriez stated that its wildfire season, Zermatt fire 6-16, Cascade fire 6-16 & Holcomb fire 6-20, and the district will be lifting the smoke advisory for the Victor Valley.
- Mr. Poiriez stated that the district has experienced hazardous level of ozone in Phelan due to the wildfires and the heatwave. Levels are currently being tracked by Air Monitoring.

Mr. Poiriez updated the Board of past events:

- May 23<sup>rd</sup> – the District hosted the awards ceremony for the winners of the 2017 Clean Air Month Poster Contest. This year’s theme, “Wildfire Season is Near – Breathe Easier This Year.” Winners are displayed in the District Board Chambers;

Mr. Poiriez informed the Board of upcoming events:

- There might not be a need for the July Board meeting as it may be difficult to get a quorum – although a Personnel Committee meeting being planned for July 24<sup>th</sup>;
- The district is currently accepting nominations for 2017 Exemplar Awards. The Exemplar Award is given out for exceptional commitment to clean air through development of voluntary air pollution reduction or prevention programs;
- Mr. Poiriez acknowledged the district’s summer interns.

Agenda Item 15 - Board Member Comments and Suggestions for Future Agenda Items.

- Board Member **RUSS** apologized for missing some meetings and will notify for future meetings.
- Board Member **STANTON** commented that Victor Valley Transit Authority is launching a mobile app “VVTA Watch” that immediately allows riders to contact 911 if assistance is needed.
- Board Member **LOVINGOOD** commented on the crime within the state and focused that the state needs to take responsibility.

Being no further business, Chair **JIM COX** adjourned the meeting at **10:37 a.m.** to the next Regular Meeting of **July 24, 2017**.

**ACTION OF THE GOVERNING BOARD**

**APPROVED**

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

**Ayes: 9 COLE, COX, DECONINCK, HERNANDEZ, PEREZ, RIORDAN, RUSS, STANTON, WILLIAMS**

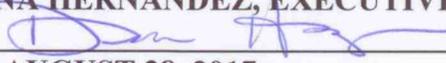
**Noes:**

**Absent: 4 CAMARGO, LEONE, LOVINGOOD, RAMOS**

**Abstain:**

**Vacant:**

**DEANNA HERNANDEZ, EXECUTIVE OFFICE MANAGER**

**BY**  \_\_\_\_\_

**Dated: AUGUST 28, 2017**