

**MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
REGULAR GOVERNING BOARD MEETING
MONDAY, APRIL 25, 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
Ed Camargo, City of Adelanto
Paul Russ, City of Hesperia
John Cole, City of Twentynine Palms
Jeff Williams, City of Needles

Board Members Absent:

James Ramos, San Bernardino County
John J. Benoit, Riverside County

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 **BARB STANTON**, and carried by unanimous roll call vote, as follows:

Agenda Item 1 – Approve Minutes from Regular Governing Board Meeting of February 22, 2016.

Approved the minutes from the Regular Governing Board meeting of February 22, 2016.

Agenda Item 2 – Receive and file Finance Report and Budget Performance.

Received and filed finance report and budget performance for District operations through February 2016.

Agenda Item #1

Agenda Item 3 – Appoint Mr. David Hernandez Esq. to the Hearing Board of the Mojave Desert Air Quality Management District (MDAQMD) as the attorney member for a 3 year term to expire April 2019.

Appointed Mr. David Hernandez Esq. to the Hearing Board of the Mojave Desert Air Quality Management District (MDAQMD) as the attorney member for a 3 year term to expire April 2019.

Agenda Item 4 – Approve contract extension not to exceed \$17,000.00 to CPS HR Consulting to perform additional consulting services.

Approved contract extension not to exceed \$17,000.00 to CPS HR Consulting to perform additional consulting services.

Agenda Item 5 – Approve Annual Review of Mojave Desert Air Quality Management District (MDAQMD) Board Policies (as amended), Board Ethics (District Conflict of Interest Code as amended), Personnel Policies and Procedures (PPP) and other personnel documents and direct staff actions.

Approved Annual Review of Mojave Desert Air Quality Management District (MDAQMD) Board Policies (as amended), Board Ethics (District Conflict of Interest Code as amended), Personnel Policies and Procedures (PPP) and other personnel documents and **directed** staff actions.

Agenda Item 6 – DEFERRED FOR DISCUSSION (see Agenda Item 13 Deferred Items).

Agenda Item 7 – DEFERRED FOR DISCUSSION (see Agenda Item 13 Deferred Items).

Agenda Item 8 – Approve a revised Agreement between the Mojave Desert Air Quality Management District (MDAQMD) and the Antelope Valley Air Quality Management District (AVAQMD) to deliver contracted services to the AVAQMD and authorize the Chair to execute the Agreement.

Approved a revised Agreement between the Mojave Desert Air Quality Management District (MDAQMD) and the Antelope Valley Air Quality Management District (AVAQMD) to deliver contracted services to the AVAQMD and **authorized** the Chair to execute the Agreement.

Agenda Item 9 – Amend the Mobile Source Emissions Reductions Program (MSERP) Work Plan to better reflect the current and future administration of the Program(s); and 2. Authorize the Executive Director to revise the Work Plan to reflect future administrative changes in the CARB guidelines.

Amended the Mobile Source Emissions Reductions Program (MSERP) Work Plan to better reflect the current and future administration of the Program(s); and 2. **Authorized** the Executive Director to revise the Work Plan to reflect future administrative changes in the CARB guidelines.

Agenda Item 10 – DEFERRED FOR DISCUSSION (see Agenda Item 13 Deferred Items).

Agenda Item 11 – Approve Set date of May 23, 2016 to conduct a public hearing to consider the amendment of Rule 219 – Equipment Not Requiring a Permit and approval of California Environmental Quality Act (CEQA) documentation.

Approved Set date of May 23, 2016 to conduct a public hearing to consider the amendment of Rule 219 – Equipment Not Requiring a Permit and approval of California Environmental Quality Act (CEQA) documentation.

Agenda Item 12 – Ratify the “FY 15-16 Application for Carl Moyer Program Funds” and its submission to CARB, 2. Approve the required match funding for the Carl Moyer Memorial Air Quality Standards Attainment Program (the Carl Moyer Program), and 3. Authorize the Executive Director to execute the agreement, approved as to legal form, with CARB which binds the parties to the terms and conditions set forth in the application and the 2011 Carl Moyer Program Guidelines.

Ratified the “FY 15-16 Application for Carl Moyer Program Funds” and its submission to CARB, 2. **Approved** the required match funding for the Carl Moyer Memorial Air Quality Standards Attainment Program (the Carl Moyer Program), and 3. **Authorized** the Executive Director to execute the agreement, approved as to legal form, with CARB which binds the parties to the terms and conditions set forth in the application and the 2011 Carl Moyer Program Guidelines.

Agenda Item 13 – DEFERRED ITEMS:

Agenda Items #6, 7 and 10 were deferred for discussion.

Agenda Item 6 – Receive and File: Burn Analysis Report.

Deferred for discussion by Board Member **CARMEN HERNANDEZ**. Staff member Alan DeSalvio presented the Burn Analysis Report that was conducted by Sonoma Technologies. Mr. DeSalvio explained that it was the District’s intent to establish whether or not the District can improve the burn forecasting to increase the number of burn days. Mr. DeSalvio provided a brief overview of the existing burn program. Board Member Hernandez indicated that the agenda item did not clearly explain and had left her wondering. Mr. DeSalvio answered questions from Board Members. Following discussion, and upon request from Chair **ROBERT LOVINGOOD** to call for each item and carried by unanimous roll call vote, the Board **RECEIVED AND FILED** the Burn Analysis Report.

Agenda Item 7 – Receive and File: SPG - Legislative Report.

Deferred for discussion by Board Member **CARMEN HERNANDEZ**. Board Member Hernandez explained that she also sits on the Mojave Integrated Waste Joint Powers Authority and remarked that the JPA had just sent a letter to the state objecting AB45 as not being a good idea for our cities. Mrs. Hernandez expressed her concerns about other recommendations contained in the legislative report. Executive Director Eldon Heaston explained the legislative report is an informative tool and does not ask the board to take a position. Mr. Heaston indicated the authors are expressing their opinions regarding potential impact on the air district. Board Member Hernandez wanted it clarified that AB45 has been objected to by other area agencies and the legislative report was not a position of the Board. Following discussion, and upon request from Chair **ROBERT LOVINGOOD** to call for each item and carried by unanimous roll call vote, the Board **RECEIVED AND FILED** the Legislative Report.

Agenda Item #1

Agenda Item 10 – Receive and File: This item reports the June 30, 2015 actuarial valuation of the District’s retiree health insurance program, also known as Other Post-Employment Benefits (OPEB).

Deferred for discussion by Board Member **PAUL RUSS**. Board Member Russ wished a more detailed explanation of certain portions of the OPEB program. Staff member Jean Bracy provided an overview of the District’s OPEB program. Ms. Bracy answered questions from Board Members. Discussion ensued and various Board members indicated that a complete review of policies, including those regarding retiree medical benefits, would be advisable due to changes in Board members. Board member discussion directed staff to return to the Board with 1) clarification of the Retiree Health Benefits program and the credit for service with member agencies; 2) a strategy to address regular reviews of all policies; 3) a review of the contracting obligations of the AVAQMD for the contributing toward the future liability of retirement benefits for employees dedicated to that contract; and 4) clarify statements in the OPEB actuarial concerning references to “40 year olds” and benefit eligibility and a commitment to review the actuary’s recommendation to waive the “implicit subsidy.” Following discussion, and upon request from Chair **ROBERT LOVINGOOD** to call for each item and carried by unanimous roll call vote, the Board **RECEIVED AND FILED** the June 30, 2015 actuarial valuation of the District’s retiree health insurance program, also known as Other Post-Employment Benefits (OPEB).

Agenda Item 14 – PUBLIC COMMENT.

None.

Agenda Item 15 – Appoint the Executive Director/APCO as the Chief Negotiator for the purpose of conducting labor negotiations for a successor agreement with the employees’ organization, SBPEA, Teamsters Local 1932.

Appointed the Executive Director/APCO as the Chief Negotiator for the purpose of conducting labor negotiations for a successor agreement with the employees’ organization, SBPEA, Teamsters Local 1932.

Agenda Item 16 – Receive and File Report 2016 Customer Service Satisfaction Survey Results (no backup material included).

Received and Filed Report 2016 Customer Service Satisfaction Survey Results. Executive Director Eldon Heaston gave a presentation on the results of the survey as each board member received a binder containing the results. Mr. Heaston addressed comments and answered questions from Board Members. Board Member Barb Stanton publicly complimented staff member Violette Roberts for all her efforts with this task and keeping the cost down. Board Member Paul Russ also publicly thanked staff for their efforts. No action was required on this item. No motion. No roll call.

Agenda Item 17 – Discuss and Direct staff regarding existence and composition of the Technical Advisory Committee.

Discussed and Directed staff regarding existence and composition of the Technical Advisory Committee. Executive Director Eldon Heaston gave a brief overview of the Technical Advisory Committee’s purpose and requested direction. After discussion, consensus of the Board was to keep the Technical Advisory Committee as the committee has served the agency well and will continue to build the relationships in the broader community. No action was required on this item. No motion. No roll call.

Agenda Item 18 – Reports:

Executive Director Eldon Heaston addressed security issues in light of increasing incidents of workplace violence. Physical changes have been made to lobby. Security cameras have been installed and the District's Zero Tolerance policy and Standard Practice against workplace violence have been reviewed. These actions reflect the District's commitment to the safety of the employees and the security of the workplace.

Mr. Heaston publicly thanked the Records Management Group for their efforts and support of the Clerk of Boards duties. The group has worked hard to come up to speed to make meetings move seamlessly.

Mr. Heaston announced that staff members Trevor Samorajski and William Berghoff traveled to Needles, California to install the newly purchased video teleconferencing equipment in Needles, California.

Mr. Heaston announced that the Proposed Budget for FY 17 has been published and is now available on the website and in hard copy. The budget committee will schedule a meeting by the May 23, 2016 to review the proposed budget with staff members and the budget hearing will take place on May 23, 2016.

Mr. Heaston announced that the Lawn Mower and Garden Equipment Exchange program took place and it was successful, all 150 items were distributed.

Agenda Item 19 - Board Member Comments and Suggestions for Future Agenda Items.

Board Member Barb Stanton complimented staff for the reports provided.

Board Member Barbara Riordan commented that May 23, 2016 is an important meeting for board members as the Personnel Committee will have candidates for APCO for the full Board to interview so please place on calendars.

Board Member Paul Russ commented that on May 23, 2016 there is a ICSC conference in Las Vegas and will not be available for May 23, 2016 meeting and requested the applications of the recommended candidates for review prior to the meeting.

Board Member Jeff Williams commented that he also will not be available for May 23, 2016 meeting as he will be in Las Vegas for the conference.

Board Member Barbara Riordan indicated that the information would be provided to all board members prior to the meeting.

Board Member Robert Lovingood stated for the record that he would depart as soon as the Board moved into closed session and that Board Member Jim Cox would chair the closing of the meeting.

CLOSED SESSION

Upon Motion by Board Member **BARBARA RIORDAN**, Seconded by Board Member **JOHN COLE** and carried by unanimous roll call vote, the Board adjourned to Closed Session at 11:00 a.m.

Agenda Item 20 - CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Significant exposure to litigation pursuant to Government Code Section 54956.9 (b): (1 Case).

Agenda Item 21 – CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6).

Agency Designated Representatives: Designation of Labor Negotiator(s). Employee Organization: SBPEA, Teamsters Local 1932.

Agenda Item 22 – PUBLIC EMPLOYMENT - (Government Code Section 54957). Position to be filled: Executive Director/Air Pollution Control Officer.

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 11:39 a.m., and Special Counsel Piero Dallarda stated that the Board met in Closed Session on Items #20, 21 and 22 and there was no reportable action.

Being no further business, Vice-Chair **JIM COX** adjourned the meeting at **11:40 a.m.** to the next Regular Meeting of **May 23, 2016.**

ACTION OF THE GOVERNING BOARD

APPROVED

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

Ayes: 7 DECONINCK, CAMARGO, GRACEY, STANTON, RIORDAN, COX, LEONE

Noes:

Absent: 6 BENOIT, LOVINGOOD, RUSS, RAMOS, COLE, WILLIAMS

Abstain:

Vacant:

DEANNA HERNANDEZ, EXECUTIVE LEAD

BY  _____

Dated: MAY 23, 2016