

# Mojave Desert Air Quality Management District Governing Board Meeting

## Agenda

### LOCATION

**MOJAVE DESERT AQMD BOARD CHAMBERS  
14306 PARK AVENUE  
MONDAY, FEBRUARY 24, 2014  
10:00 AM**

### TELECONFERENCE LOCATION(S)

San Bernardino County Government Center  
385 N. Arrowhead Ave., Fifth Floor  
San Bernardino, CA 92415

Riverside County Board of Supervisors  
73-710 Fred Waring Drive, Ste. 222  
Palm Desert, CA 92260

Blythe City Hall, Conference Room A  
235 N. Broadway  
Blythe, CA 92225

IF YOU CHALLENGE ANY DECISION REGARDING ANY OF THE LISTED PROPOSALS IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED DURING THE PUBLIC TESTIMONY PERIOD REGARDING THAT PROPOSAL OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE GOVERNING BOARD AT, OR PRIOR TO, THE PUBLIC HEARING.

DUE TO TIME CONSTRAINTS AND THE NUMBER OF PERSONS WISHING TO GIVE ORAL TESTIMONY, PUBLIC COMMENTS ARE LIMITED TO THREE MINUTES PER SPEAKER. YOU MAY WISH TO MAKE YOUR COMMENTS IN WRITING TO ASSURE THAT YOU ARE ABLE TO EXPRESS YOURSELF ADEQUATELY.

Except where noted, all scheduled items will be heard in the Chamber of the Governing Board, Mojave Desert AQMD Offices, 14306 Park Avenue, Victorville, CA and the teleconference location(s).

**CALL TO ORDER – 10:00 A.M.**

Pledge of Allegiance.

Roll Call.

Items with potential Conflict of Interests - for information only. None.

**CONSENT CALENDAR**

1. [Approve Minutes from Regular Governing Board Meeting of January 27, 2014.](#)
2. [Ratify the Board Chair's appointment of membrs to serve on the Budget Committee and the Personnel Committee for calendar year 2014. Presenter: Jean Bracy, on behalf of the Governing Board Chair.](#)

**ITEMS FOR DISCUSSION**

3. DEFERRED ITEMS.
4. PUBLIC COMMENT.
5. [Discuss potential for adoption of additional Motor Vehicle Registration fee to fund Lower Emission School Bus Program \(LESB\) and direct staff action. Presenter: Eldon Heaston.](#)
6. Presentation regarding Oak Hills High School Area Dust Problem. Presenter: Eldon Heaston.
7. [Reports: Executive Director.](#)
8. Board Member Comments and Suggestions for future agenda items.

*In compliance with the Americans with Disabilities act, if special assistance is needed to participate in the Board Meeting, please contact the Clerk of the Board during regular business hours at 760.245.1661 x5040. Notification received 48 hours prior to the meeting will enable the District to make reasonable accommodations.*

I hereby certify, under penalty of perjury, that this agenda has been posted 72 hours prior to the stated meeting in a place accessible to the public. Copies of this agenda and any or all additional materials relating thereto are available at the District Office at 14306 Park Avenue, Victorville, Ca 92392 or by contacting the Clerk of the Board at 760.245.1661 x5040 or by email at [gboardclk@mdaqmd.ca.gov](mailto:gboardclk@mdaqmd.ca.gov) .

**Mailed & Posted on: Wednesday, February 19, 2014.**

Approved:

\_\_\_\_\_  
Eldon Heaston, Executive Director

\_\_\_\_\_  
Michele Baird, Clerk of the Board

**MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT  
REGULAR GOVERNING BOARD MEETING  
MONDAY, JANUARY 27, 2014 - 10:00 A.M.  
BOARD CHAMBERS, MDAQMD OFFICES  
VICTORVILLE, CA**

MINUTES

Board Members Present:

Barbara Riordan, Chair, Public Member  
Eric Schmidt, City of Hesperia  
Barb Stanton, *Alternate*, Town of Apple Valley  
Carmen Hernandez, City of Barstow  
Dan Mintz, City of Twentynine Palms  
Jim Cox, City of Victorville  
Joseph "Joey" DeConinck, City of Blythe  
Robert Lovingood, San Bernardino County  
Terry E. Campbell, City of Needles  
James Ramos, San Bernardino County (absent for Items #1-9)  
John Benoit, Riverside County  
Robert Leone, Town of Yucca Valley

Board Members Absent:

Ed Camargo, City of Adelanto

**CALL TO ORDER**

Madam Chair Riordan called the meeting to order at 10:00 a.m. and led the Pledge of Allegiance. The Clerk called the Roll.

The Clerk called for nominations for Chairman of the Governing Board for 2014.

Jim Cox nominated Barbara Riordan for a second term, Seconded by John Benoit.

Being no other nominations, nominations for Chair were closed. By unanimous roll call vote, **Barbara Riordan** was re-elected **Madam Chair** for 2014.

Madam Chair Riordan called for nominations for Vice-Chairman of the Governing Board for 2014.

Barb Stanton nominated Robert Lovingood, Seconded by James Ramos.

Being no other nominations, nominations for Vice-Chair were closed. By unanimous roll call vote, **Robert Lovingood** was elected **Vice-Chair** of the Governing Board for 2014.

**CONSENT CALENDAR** - The following consent items were acted upon by the Board at one time without discussion, Upon Motion by **JIM COX**, Seconded by **ROBERT LOVINGOOD**, and carried by unanimous roll call vote, with the abstention of Board Members **STANTON** and **LEONE** on Item #1.

Agenda Item 1 – Approve Minutes from Regular Governing Board Meeting of October 28, 2013.  
**Approved** Minutes from Regular Governing Board Meeting of October 28, 2013 with no changes.

Agenda Item 2 – DEFFERED FOR DISCUSSION (see Deferred Items)

Agenda Item 3 – Declare certain District property surplus and authorize the Executive Director to complete disposal.

**Declared** certain District property surplus and authorized the Executive Director to complete disposal.

Agenda Item 4 – Adopt a budget schedule for Fiscal Year 2014-15.

**Adopted** a budget schedule for Fiscal Year 2014-15.

Agenda Item 5- CSDA Information Item. Receive and File.

**Received and filed** CSDA Information Item.

Agenda Item 6 – 1. Ratify the “FY 13-14 Application for \$634,618 in Carl Moyer Program Funds” and its submission to the California Air Resources Board (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 bonds the parties to the terms and conditions set forth in the application and the 2011 Carl Moyer Program Guidelines.

**Ratified** the “FY 13-14 Application for \$634,618 in Carl Moyer Program Funds” and its submission to the California Air Resources Board (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 bonds the parties to the terms and conditions set forth in the application and the 2011 Carl Moyer Program Guidelines.

Agenda Item 7 – Approve sponsorship of the June 2014 Air & Waste Management Association (A&WMA) annual conference and exhibition at the Long Beach Convention Center in the amount of \$3,000.

**Approved** sponsorship of the June 2014 Air & Waste Management Association (A&WMA) annual conference and exhibition at the Long Beach Convention Center in the amount of \$3,000.

Agenda Item 8 – Approve the transfer of \$300,000 in unobligated FY 11-12 Carl Moyer Program funding to the Antelope Valley Air Quality Management District (AVAQMD) for use in the AVAQMD’s Carl Moyer Program.

**Approved** the transfer of \$300,000 in unobligated FY 11-12 Carl Moyer Program funding to the Antelope Valley Air Quality Management District (AVAQMD) for use in the AVAQMD’s Carl Moyer Program.

Agenda Item 9 - Adopt the proposed revision to Governing Board Policy No. 04-03 that: 1) revises the definition of a capital asset; 2) establishes a methodology for capitalization; and 3) increases the dollar threshold for capitalization of assets from \$1,000 to \$5,000.

**Adopted** the proposed revision to Governing Board Policy No. 04-03 that: 1) revises the definition of a capital asset; 2) establishes a methodology for capitalization; and 3) increases the dollar threshold for capitalization of assets from \$1,000 to \$5,000.

Agenda Item 10- DEFERRED ITEMS.

**Deferred:** Agenda Item 2 – Finance Report.

Item 2 was deferred for discussion by Member Schmidt. Member Schmidt asked questions regarding the \$190,270 carryover on page 11 of the agenda under the statement of activity. Jean Bracy indicated that this is a brand new format for budgeting and from a one year standpoint of revenue and expenses the District did budget nearly \$200,000 upside down, however, we roll forward over a million dollars that has amassed over the course of time in savings which more than covers the deficit. Ms. Bracy noted that as we continue to evolve the reporting in our accounting system we will better reflect the overall picture of the District's finances. Member Schmidt requested clarification on a transaction on page 44. Following discussion, Upon Motion by **ERIC SCHMIDT**, Seconded by **JIM COX**, and carried by unanimous roll call vote, the Board received and filed the Finance Report.

Agenda Item 11 – PUBLIC COMMENT.

The following speakers provided testimony and comments regarding the unpaved roads in the unincorporated area of San Bernardino County near Oak Hills High School:

Al Vogler, Diana Colvin, Terry Kostak - POA President, Laura Capehart, and Jim Babinski.

Following comments and discussion, Member Benoit suggested staff come back with an agenda item addressing the problems and what the District can do to mitigate the issue at a future meeting. Madam Chair directed staff to bring an item to the Board in this regard at the next Board meeting.

Agenda Item 12 – Approve Annual Review of Mojave Desert Air Quality Management District (MDAQMD) Board Policies (as amended), Board Ethics (District Conflict of Interest Code), and Personnel Policies and Procedures (PPP) and authorize submittal to Special District Risk Management Authority (SDRMA).

Piero Dallarda, Special Counsel, provided background information and staff recommendation. Upon Motion by **ERIC SCHMIDT**, Seconded by **JOHN BENOIT**, and carried by unanimous roll call vote the Board approved Annual Review of Mojave Desert Air Quality Management District (MDAQMD) Board Policies (as amended), Board Ethics (District Conflict of Interest Code), and Personnel Policies and Procedures (PPP) and authorize submittal to Special District Risk Management Authority (SDRMA).

Agenda Item 13 – Reports:

Eldon Heaston noted that appointments are made for two standing committees each year, the Personnel Committee and Budget Committee. The Board Chair is appointed to the Personnel

Committee and the Vice-Chair to the Budget Committee and the appointments will be ratified at the next meeting. Mr. Heaston asked any member of the board wishing to serve on a committee to please let Madam Chair know.

Mr. Heaston pointed out new photographs on the back wall that were taken by staff member, Trevor Samorajski at previous board tours.

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

John Benoit noted that the videoconferencing is far improved following the upgrade.

Joey DeConinck also commented the videoconferencing is much improved.

Dan Mintz noted that the Twentynine Palms vehicle charging station is up and running and fully functional for anyone driving through needing a charge.

Eric Schmidt commented that he's pleased to be a member on the board.

**CLOSED SESSION**

**The Board adjourned to Closed Session at 11:00 a.m.**

Agenda Item 15 – PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE – (Government Code Section 54957 (b)(2)).

**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 11:23 a.m.,** and Madam Chair stated for the record that the Governing Board had met in Closed Session on Item #15 and there was no reportable action.

Being no further business, Madam Chair adjourned **the meeting at 11:25 a.m.** to the next Regular Meeting of *February 24, 2014 at 10:00 a.m.*

**MINUTES OF THE GOVERNING BOARD  
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT  
VICTORVILLE, CALIFORNIA**

*AGENDA ITEM 2*

**DATE:** February 24, 2014

**RECOMMENDATION:** Ratify the Board Chair's appointment of members to serve on the Budget Committee and the Personnel Committee for calendar year 2014.

**SUMMARY:** This item appoints committee members for the Budget Committee in preparation of the budget for FY 2014-15, and the Personnel Committee for personnel matters during the year including the executive evaluation; and designates officers from the Governing Board as committee chairs.

**CONFLICT OF INTEREST:** None

**BACKGROUND:** The following Board members have agreed to serve on these committees:

Budget Committee

1. Robert Lovingood, *Board Vice Chair*
2. Jim Cox
3. Eric Schmidt

Personnel Committee

1. Barbara Riordan, *Board Chair*
2. Carmen Hernandez
3. Dan Mintz

**REASON FOR RECOMMENDATION:** The Governing Board Chair appoints members to serve on Board committees subject to ratification of the Governing Board.

**REVIEW BY OTHERS:** This agenda item was approved as to legal form by Karen K. Nowak, Deputy District Counsel; and was reviewed by Eldon Heaston, Executive Director, on or before February 10, 2014.

**FINANCIAL DATA:** Any costs that may be incurred during the scheduled meetings are included in the budgets for FY 14 and FY 15.

**PRESENTER:** Jean Bracy, Director of Administrative Services, on behalf of the Governing Board Chair

**MINUTES OF THE GOVERNING BOARD  
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT  
VICTORVILLE, CALIFORNIA**

*AGENDA ITEM 5*

**DATE:** February 24, 2014

**RECOMMENDATION:** Discuss potential for adoption of additional Motor Vehicle Registration Fee to fund Lower Emission School Bus Program (LESB) and direct staff action.

**SUMMARY:** Provide direction to staff regarding LESB program funding.

**CONFLICT OF INTEREST:** None

**BACKGROUND:** The Legislature in 2004 amended the provisions allowing air districts to increase their fees on Motor Vehicle Registration to help provide additional funding for a program providing grants to local school districts for replacement and retrofit of school busses (AB 923 of 2004). Use of the additional fees as an additional funding source was to sunset on January 1, 2015 but has since been extended until January 1, 2024 (AB 8 of 2013). The MDAQMD did not implement the additional fees.

The Governing Board recently requested staff investigate implementing such fees. Staff has determined that due to the provisions of the California Constitution Article XIII C as modified by Proposition 26 (effective 11/2/2010) an increase of the Motor Vehicle Registration fee would meet the definition of a “tax” and thus require an election before such fee could be implemented.

**REASON FOR RECOMMENDATION:** Governing Board direction is required.

**REVIEW BY OTHERS:** This item was reviewed by Karen Nowak, District Counsel as to legal form and by Eldon Heaston, Executive Director on or before February 11, 2014.

**FINANCIAL DATA:** No increase in appropriation is anticipated.

**PRESENTER:** Eldon Heaston, Executive Director/APCO



Mojave Desert Air Quality Management District  
Community Relations & Education Office  
14306 Park Avenue, Victorville, CA 92392

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## **REPORT OF MDAQMD ACTIVITIES FOR FEBRUARY 2014**

### **Riordan Re-Elected MDAQMD Board Chair, Lovingood Elected Vice-Chair**

Veteran Board Member Barbara Riordan was re-elected to a second term as Chair of the MDAQMD Governing Board by her peers during the agency's January meeting, while San Bernardino County First District Supervisor Robert Lovingood was elected Vice-Chair. Riordan has served on the MDAQMD Governing Board since 1991, and is the longest-sitting member of both the MDAMD and California Air Resources Boards. Lovingood, a longtime member of the District's Technical Advisory Committee, was appointed to the MDAQMD Board shortly after his election to the Board of Supervisors in November 2012.

### **District to Host CARB Compliance Assistance Workshops**

On February 25-27, CARB's Enforcement Division and the MDAQMD will partner to present a workshop on "Health Risk Assessment & Dispersion Modeling." On April 8, all-day training on "Portland Cement MACT" will be offered. On the morning of September 24, a "RICE NESHAP/IC NSPS" workshop will be presented; in the afternoon, training on "Stationary Diesel ATCM" will take center stage. The MDAQMD workshop series will conclude on September 25, as CARB presents on "Reciprocating Internal Combustion Engine Technology." To register for any of these free industry workshops, visit <https://ssl.arb.ca.gov/training/training.htm>

### **Exchange Event to Offer Electric Mowers Starting at \$99**

More than 300 emission-free cordless electric mowers will be available starting at only \$99 each during the MDAQMD's Annual Electric Lawn Mower Exchange Event at the Victorville Fairgrounds on Saturday, April 12 from 8:00AM to 12 Noon. Both a push and a self-propelled model will be available to High Desert residents during the Exchange. Required pre-registration for the event begins on March 3 online at <http://thegreenstationproducts.com>. For more information, visit the District's website at [www.mdaqmd.ca.gov](http://www.mdaqmd.ca.gov) or call (760) 245-1661, ext. 1885.

### **District Issues Advisories for Gas Stations**

On January 29, the MDAQMD issued two advisories applicable to Phase I Vapor Recovery requirements for gasoline dispensing facilities. The first advisory, which applies to owners, operators and underground gas tank testing companies, indicates that facilities requiring Phase I testing are now required to perform tests at least once every twelve months. The second advisory updates exemptions to an advisory issued on December 13 related to the state deadline for Phase I Enhanced Vapor Recovery Upgrades for Aboveground Storage Tanks. To view the full advisories, visit [www.mdaqmd.ca.gov](http://www.mdaqmd.ca.gov).

*For more information on activities/projects listed above, contact the MDAQMD's Community Relations & Education Office at (760) 245-1661, ext. 6104.*