

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
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Agenda Number:
Prepared on: 11/19/02
Department Name: Public Health
Department No.: 041
Agenda Date: 12/10/02
Placement: Administrative
Estimate Time: 5 minutes
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Roger E. Heroux
Public Health Department

STAFF CONTACT: Rick Merrifield
x 1134

SUBJECT: Appointments of Independent Hearing Panel Members for Solid Waste Issues

Recommendation(s):

That the Board of Supervisors:

Appoint the following individuals to the 3-member Independent Hearing Panel for Solid Waste Issues for terms of two years beginning December 16, 2002 and ending December 01, 2004:

- Mr. Donald George, representative of the public at large (new member)
- Mr. David Thompson, representative of the public at large (second term)
- Mr. Dan Waldman, technical expert (second term)

Alignment with Board Strategic Plan:

This recommendation is primarily aligned with Goal No. 2: A Safe and Healthy Community in Which to Live, Work, and Visit, and Goal No. 7: A County Government that is Accessible, Open, and Citizen-Friendly.

Executive Summary and Discussion:

In May 1992, your Board designated Environmental Health Services as the Local Enforcement Agency (LEA) for solid waste issues within the County and appointed an initial Independent Hearing Panel as required by Section 18060 of the California Code of Regulations which became effective December, 1991. Section 44307 of the Public Resources Code requires that appeals to solid waste permit conditions or enforcement actions taken by the LEA be heard by a hearing panel. Whenever the LEA's jurisdiction includes publicly owned or operated solid waste facilities, as is the case with Santa Barbara County, the panel is required to be an independent hearing panel. The Santa Barbara County Independent Hearing Panel has never been convened to hear an appeal since its inception.

Section 44308 of the Public Resources Code stipulates that at least one member of the panel must be a technical expert with knowledge of solid waste management methods and technologies and at least one member must be a representative of the public at large. The third panelist may be a member of the local governing body. Past panels have been comprised of one technical expert and two citizen representatives. Panel members serve two-year terms. They may serve more than one term but not more than two consecutively. The most recent panel was appointed in September, 2000.

Nominations for the panel were solicited from industry representatives, other LEAs and from the outgoing panelists. Environmental Health Services recommends the following individuals to serve on the three-member panel based on their administrative abilities, technical knowledge, and interest in solid waste management issues:

- Mr. Donald George, previously with the Santa Barbara Resource Recovery Committee and the Solid Waste Local Task Force, would serve a two-year term as a representative-at-large. Mr. George has a degree in Business Administration from UCLA. He is the former director of the Casa de Maria Retreat Center where he continues to serve.
- Mr. David Thompson, a local businessman and former member of the Santa Barbara County Planning Commission, will serve a second term as a representative-at-large. Mr. Thompson received his BA from Seattle Pacific University and currently owns a real estate brokerage business and is a co-owner of a local winery.
- Mr. Dan Waldman will serve as the technical expert with knowledge of solid waste issues. Mr. Waldman is currently the president and publisher of "Forester Communications." In addition, he conceived and launched the periodical "Municipal Solid Waste Management, the Journal for Solid Waste Professionals." Mr. Waldman has attended numerous seminars and conferences related to different aspects of solid waste management. This will be Mr. Waldman's second term as the technical expert representative on this panel.

Mandates and Service Levels:

There will be no change in programs or service levels as a result of this action.

Section 18060 of the California Code of Regulations requires that the local governing body appoint an independent hearing panel for the purpose of appeals to solid waste permit and enforcement actions taken by the LEA. Section 44308 of the Public Resources Code stipulates that the members of the panel be selected for their legal, administrative or technical abilities in areas related to solid waste management.

Fiscal and Facilities Impacts:

Approval of this action will not increase the Public Health Department's use of General Fund or Special Revenue Fund resources. In addition, no increase in departmental indirect costs or use of A87 Plan County overhead will be incurred. There will be no facility impacts as a result of this action. The Independent Hearing Panel has been established on a volunteer basis and all of the appointed individuals live locally. The Public Resources Code allows for reimbursement of per diem expenses incurred as a result of a hearing but does not mandate it. Should the panel be convened, it is estimated that the maximum expenditure reimbursement would be less than \$100.00 for mileage and meals for the individuals. This amount is

budgeted and reimbursable as part of the Solid Waste Grant program budget found in the Environmental Health Safety Program cost center on page D-176 in the County's FY 02-03 Operating Plan.

Special Instructions:

Please forward a copy of the minute order, stating the Board's action to Environmental Health Services, 225 Camino del Remedio, Santa Barbara, CA 93110. Attn: Rick Merrifield

Concurrence:

None required

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