

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:
Prepared on: 6/21/05
Department Name: Public Health
Department No.: 041
Agenda Date: 7/5/05
Placement: Administrative
Estimate Time: 5 minutes
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Elliot Schulman, MD, MPH, Director and Health Officer
Public Health Department

STAFF CONTACT: David Brummond, Program Supervisor
Environmental Health Services, 346-7348

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

Recommendation(s):

That the Board of Supervisors:

Approve the appointments of the following individuals to the three member Independent Hearing Panel for Solid Waste Issues for terms of two years beginning July 1, 2005 and ending June 30, 2007, as follows:

1. Mr. Lansing Duncan, representative of the public at large (first term, new member)
2. Mr. Thomas Pahler, representative of the public at large (first term, new member)
3. Mr. John Trotti, technical expert (first term, repeat member)

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, the Board of Supervisors designated Environmental Health Services as the Local Enforcement Agency (LEA) for solid waste issues within Santa Barbara County and appointed an 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 of 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 December 2002.

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. Lansing Duncan, will serve a two-year term as a representative-at-large. Mr. Duncan is a Landscape Consultant with a B.A. from Pomona College and a M.F.A. from the University of California, Santa Barbara. He has served on a number of Boards and Commissions including stints on the Santa Barbara County Planning Commission and the Citizens Planning Association.
- Mr. Tom Pahler, will also serve a two-year term as a representative-at-large. Mr. Pahler is a local businessman and a partner and officer of TBP Associates out of Solvang. He has sat on many Association Boards in Santa Barbara and the Santa Ynez Valley. He currently sits on the Los Olivos Architectural Review Board and is the President of the Rancho Marcelino Water and Service Company
- Mr. John Trotti will serve as the technical expert with knowledge of solid waste issues. Mr. Trotti is currently the Group Editor at "Forester Communications." where he has overall editorial responsibility for Distributed Energy, Grading & Excavation Contractor and Municipal Solid Waste Management magazines. This will be a repeat term for Mr. Trotti 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 conditions 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. 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 total maximum expenditure reimbursement would be less than \$100.00 for mileage and meals for all of the panel members. This amount is budgeted and reimbursable as part of the Solid Waste Grant program budget, which is part of the Environmental Health Cost Center of the Public Health Department's budget found on page D-194 of the County's FY 05-06 Adopted Operating Plan Document.

There will be no facility impacts as a result of this action.

Special Instructions:

Please forward a copy of the minute order to PHD Contracts Unit, 300 N. San Antonio Road, Bldg 8, Santa Barbara, CA 93110, Attn: Margaret Granger 681-5367.

Concurrence: None required