

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: 9/19/05
Department Name: Public Health
Department No.: 041
Agenda Date: 10/4/05
Placement: Administrative
Estimate Time:
Continued Item: YES
If Yes, date from:

TO: Board of Supervisors

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

STAFF CONTACT: David Brummond, 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.

- Mr. Daniel Eidelson, representative of the public at large (first term, new member)
- Mr. Jourdi de Werd, representative of the public at large (first term, new member)
- 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 the 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 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 December 2002.

In order to provide a countywide perspective, Environmental Health Services proposes that one public member be appointed by a North County supervisor and one by a South County supervisor, on a rotating basis. For the current two-year term, nominations were provided by the First and Third District offices. For the next two-year term beginning July 1, 2007, nominations will be solicited from the Second and Fourth District offices; and in July 2009, from the First and Fifth District offices; and then the cycle will repeat. Because the third member is required to be a technical expert, but should not directly involved in local solid waste operations due to conflict of interest concerns, it is recommended that the appointment of this member not be limited to any specific geographical area, but be nominated by Environmental Health Services, as has been the past practice.

- Mr. Daniel Eidelson has been nominated by the First District Supervisor's office to serve a two-year term as a representative-at-large. Mr. Eidelson is a Santa Barbara resident with a Master of Arts degree who served as the Chairman of the Physical Science Division of Fullerton College. Mr. Eidelson has considerable experience on local boards and commissions, including the Montecito Foundation, Casa del Herrero Foundation, Fire Districts Association of California, Montecito Fire Protection District and the Montecito Association.
- Mr. Jourdi de Werd has been nominated by the Third District Supervisor's office to serve a two-year term as a representative-at-large. Mr. de Werd is a Santa Ynez Valley resident with a Bachelor of Science degree and a Master of Business Administration degree. He is a co-founder of Greif & Co., an independent investment banking firm. Mr. de Werd has over 21 years diversified financial experience in investment banking, corporate finance, management consulting and entrepreneurial ventures, including authoring articles and lecturing on corporate finance and investment banking topics. Mr. de Werd is Co-Chair of the Board of Trustees for the Family School, an independent elementary school located in Los Olivos.
- Mr. John Trotti is recommended for appointment as the panel technical expert. 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 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 Operation 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: Dawn McGrew (681-5367)

Concurrence:

None required