



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

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

Department Name: Public Health
Department No.: 041
For Agenda Of: 10-16-07
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Elliot Schulman, MD, MPH, Director and Health Officer
Director Public Health Department
Contact Info: Rick Merrifield
Director of Environmental Health (681-4934)
SUBJECT: Re-appointment of Independent Hearing Panel Members for Solid Waste Issues

County Counsel Concurrence

As to form: Yes No N/A

Auditor-Controller Concurrence

As to form: Yes No N/A

Other Concurrence:

As to form: Yes No N/A

Recommended Actions:

That the Board of Supervisors:

Approve the re-appointments of the following individuals to the three -member Independent Hearing Panel for solid waste issues for second two-year terms beginning July 1, 2007 and ending June 30, 2009.

- Mr. Daniel Eidelson, representative of the public-at-large
- Mr. Jourdi de Werd, representative of the public-at-large
- Mr. John Trotti, technical expert

Summary Text:

Environmental Health Services is the designated Local Enforcement Agency (LEA) for solid waste issues within the county. Section 44308 of the Public Resources Code requires that appeals to LEA conditions on solid waste facilities permits or appeals to 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 Public Resource Code allows hearing panel members to serve multiple terms but not more than two consecutive terms. Each of the panel members specified above, have agreed to serve a second two-year term on Santa Barbara County's Independent Hearing Panel.

Background:

Section 18060 of Title 14, California Code of Regulations, requires that the local governing board appoint an independent hearing panel for permit, enforcement and appeal purposes. Section 44308 of the Public Resources Code stipulates that members of the panel be selected for their legal, administrative or technical abilities in areas related to solid waste management. Furthermore, at least one member of the panel shall be a representative of the public-at-large and one member shall be a technical expert with knowledge of solid waste management methods and technology.

Mister Eidelson and Mr. de Werd were nominated by the First and Third District Supervisors, respectively, as representatives of the public-at-large while the LEA nominated Mr. Trotti to serve as the panel's technical expert. Each of these individuals has served on the panel since July, 2005 and has agreed to serve thru June, 2009.

Fiscal and Facilities Impacts:

Budgeted: No

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 \$300 for mileage and meals for all of the panel members.

There are no facility impacts as a result of this action.

Staffing Impacts:

Legal Positions:
0

FTEs:
0

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

Special Instructions:

Request the Clerk of the Board to forward a copy of the minute order stating the Board's action to the Public Health Department Contracts Unit, 300 N. San Antonio Road, Bldg 8, Santa Barbara, CA 93110, Attn: Margaret Granger.

Attachments:

None.

Authored by:

Rick Merrifield, Director, Environmental Health Services.