



COUNTY OF HUMBOLDT

Legislation Details (With Text)

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Title: Correction of Clerical Error in Appointment to the Solid Waste Local Enforcement Agency Independent Hearing Panel

Sponsors:

Indexes:

Code sections:

Attachments: 1. Staff Report, 2. Humboldt County Resolution No 92-128

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------------|----------|--------|
| 7/30/2019 | 1 | Board of Supervisors | approved | Pass |

To: Board of Supervisors

From: DHHS: Public Health

Agenda Section: Consent

SUBJECT:

Correction of Clerical Error in Appointment to the Solid Waste Local Enforcement Agency Independent Hearing Panel

RECOMMENDATION(S):

That the Board of Supervisors:

1. Revise the appointment of Tedd Ward as a Technical Expert Representative to a term to expire Dec. 18, 2022; and
2. Revise the appointment of Heidi Benzonelli as an alternate, At-Large Public Representative with a term to expire Dec. 18, 2022.

SOURCE OF FUNDING:

Public Health Fund

DISCUSSION:

On Dec. 18, 2018, the Department of Health and Human Services, Division of Environmental Health made a clerical error in the recommendation to appoint two candidates to the Independent Hearing Panel (IHP) through Dec. 18, 2023 (5 years). In accordance with Section 44308(a)(5) of the California Public Resources Code, appointed panel members shall serve for a term of 4 years.

The Board of Supervisors, the governing authorities of the cities within the County, and the Department of Resources Recycling and Recovery (CalRecycle) have designated the Department of Health and Human Services, Division of Environmental Health (DEH) as the solid waste Local Enforcement Agency (LEA). The LEA permits and inspects solid waste handling sites throughout Humboldt County. The LEA is required to maintain a local appeals body to hear solid waste permitting and enforcement issues (CCR 14 §18081(e)(2)). A hearing before the appointed hearing panel may be requested to appeal either an LEA action or the LEA's failure to act as required by law or regulation.

The first IHP was established in 1992 by Humboldt County Resolution No. 92-128. (A copy of the resolution is attached here for your Board's reference.) The IHP members serve 4-year terms with a maximum appointment of two consecutive terms. This agenda item is to correct the clerical error shown under the Recommendation(s) section of the Dec. 18, 2018 appointment of appointees Tedd Ward, as a Technical Expert Representative, and Heidi Benzonelli, as an alternate, At-Large Representative.

FINANCIAL IMPACT:

Serving on this panel is voluntary. Members of the panel may receive per diem and necessary expenses while conducting a hearing (PRC §44308(c)). These costs will come from the \$1,184 Hearing Panel Fee which is paid by the party requesting the hearing. This fee was established by Humboldt County Ordinance No. 2613. There is no impact to the Public Health Fund or the county General Fund.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by creating opportunities for improved safety and health .

OTHER AGENCY INVOLVEMENT:

Department of Resources Recycling and Recovery (CalRecycle).

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board of Supervisors may elect to leave the appointments unchanged. Staff strongly recommends the revision to comply with 44308(a)(5) of the California Public Resources Code.

ATTACHMENTS:

1992 Humboldt County Resolution No. 92-128

PREVIOUS ACTION/REFERRAL:

Board Order No.: C-11, C-7, C-4, C-10

Meeting of: 12/11/2007, 3/6/2012, 11/10/2015, 12/18/18

File No.: 18-1597