



COUNTY OF HUMBOLDT

Legislation Text

File #: 19-1548, **Version:** 1

To: Board of Supervisors

From: DHHS: Public Health

Agenda Section: Consent

SUBJECT:

Appointment to the Solid Waste Local Enforcement Agency Independent Hearing Panel

RECOMMENDATION(S):

That the Board of Supervisors:

1. Appoint James Clark to a second term as Technical Expert Representative with a term to begin December 12, 2019 and expire December 11, 2023; and
2. Appoint Heidi Benzonelli as an At-Large Public Representative with a term to begin December 12, 2019 and expire December 11, 2023.

SOURCE OF FUNDING:

Public Health Fund

DISCUSSION:

The Board of Supervisors, the governing authorities of the cities within the county, and the California 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. One component of designation as the LEA is to maintain a local appeals body to hear solid waste permitting and enforcement issues. 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. When, in the jurisdiction of the enforcement agency, there exists a publicly-owned or operated solid waste facility or disposal site (as exists in Humboldt County), there shall be an independent hearing panel (IHP) or hearing officer (CCR 14 §18060(a) & CCR 14 §18081(e)(2)). When an independent hearing panel is appointed, not more than one member of the governing body shall serve (Public Resources Code (PRC) §44308(b)(1)).

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 four-year terms with a maximum appointment of two consecutive terms. The terms of two of the current members of the IHP are set to expire on December 11, 2019. The third member of the IHP was appointed on December 18,

2018 with a term to expire on December 18, 2022. To maintain certification as the LEA, the IHP must consist of three members.

The LEA maintains a list of potentially qualified candidates who may be willing to serve. In preparation for upcoming term expirations, the LEA contacted the two panel members whose terms are set to expire in December 2019. James Clark agreed to serve an additional term; Margaret Gainer declined. Heidi Benzonelli, appointed December 18, 2018 as an alternate At-Large Public Representative, has agreed to serve as the At-Large Public Representative. With this item, the LEA is recommending the appointments of James Clark and Heidi Benzonelli to the IHP. Examples of the nominees' qualifications to serve on the IHP are as follows:

James Clark graduated from HSU with a degree in Natural Resources in 1974 and has lived in Eureka since 1980. He has worked in all areas of environmental health in Calaveras, Tulare and Humboldt Counties during his career as a Registered Environmental Health Specialist. He served on the Solid Waste Task Force in Humboldt in the early 1990's when key decisions were made about the county's solid waste management future. He has served on the Mariculture Monitoring Committee, is a long-standing member and former officer of the Redwood Region Audubon Society, a chapter of the National Audubon Society. He has recently been appointed to the Humboldt County Fish and Game Advisory Commission.

Heidi Benzonelli is the President of Westside Community Improvement Association. She has a background as an Environmental Resources Engineer with a focus on Energy Efficiency and Renewable Energy. She also has a Master of Business Administration Degree with a focus on Strategic Sustainability. Her prior careers are many, but all prepared her to carry out her latest project, which began when a neighborhood school was closed and abandoned. Heidi worked with a group of neighbors to form a non-profit to buy the school. Their organization leveraged over four million dollars of funding to help Westside Eureka reclaim this community commons. Today, the former Jefferson School is owned outright by the community, and houses the Jefferson Community Center, Westside Family Resource Center, and Jefferson Community Park and Gardens.

FINANCIAL IMPACT:

There is no impact to the General Fund. Serving on this panel is voluntary. Members of the panel may receive per diem and necessary expenses while conducting a hearing (PRC §44308(c)). The party requesting a hearing panel is charged a fee of \$1,184; this fee used to defer a portion of the costs of holding a hearing and may be used to pay hearing panel members for per diem and necessary expenses in fund 1175, Budget Unit 430, Local Enforcement Agency. This fee was established by Humboldt County Ordinance No. 2613.

STRATEGIC FRAMEWORK:

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

OTHER AGENCY INVOLVEMENT:

California Department of Resources Recycling and Recovery (CalRecycle)

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board of Supervisors may choose not to appoint one or both of the candidates. The Chair of the Board of Supervisors may appoint one of its members in lieu of one of the candidates (PRC §44308(a)(2) and §44308(b)(1)). To avoid a conflict of interest, the governing body representative should be a member who does not sit on the Board of the local solid waste joint powers authority. The appointment of two candidates must be made before December 11, 2019 to comply with statute and regulations which require, as a condition of maintaining an LEA designation, the continual existence of an appeals body.

ATTACHMENTS:

1992 Humboldt County Resolution No. 92-128

PREVIOUS ACTION/REFERRAL:

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

Meeting of: 12/11/2007, 3/6/2012, 11/10/2015, 12/18/2018, 7/30/2019

File No.: 18-1597, 19-1052, 19-1548