



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 11/25/2014

Agenda Placement: 10D

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors

**FROM:** Leanne Link for Nancy Watt - County Executive Officer  
County Executive Office

**REPORT BY:** Gladys Coil, Administrative Manager-Clerk of the Board - 253-4196

**SUBJECT:** Discussion and possible action to adopt a Resolution giving the Chairman the authority to appoint members to the Independent Hearing Panel for Solid Waste Issues for a term of four years.

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### **RECOMMENDATION**

County Executive Officer requests discussion and possible action to adopt a resolution giving the Chairman the authority to appoint the Independent Hearing Panel for Solid Waste Issues members.

### **EXECUTIVE SUMMARY**

Currently, the Independent Hearing Panel for Solid Waste Issues has member vacancies. Under California Public Resource Code §44308(a)(2) and (b), the Chairman of the Board of Supervisors has the authority to make panel member appointments for a term of four years and not more than two consecutive terms. Staff requests discussion and possible action to adopt a resolution giving the Chairman the authority to appoint the Independent Hearing Panel for Solid Waste Issues members.

### **PROCEDURAL REQUIREMENTS**

1. Staff reports.
2. Public comments.
3. Motion, second, discussion and vote on the item.

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

**ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

**BACKGROUND AND DISCUSSION**

On August 3, 1993, the Board of Supervisors, as the governing body of the Local Enforcement Agency (LEA), established an Independent Hearing Panel to hear publicly-owned solid waste facility appeals, to establish membership consisting of a Board of Supervisors member, a member with expertise in the field of solid waste and a member of the general public at large, and to allow a per diem in the amount of \$25 per meeting.

The Board of Supervisors, as the governing body of the LEA, has made appointments to this panel since 1993. In January 2005 the California Public Resource Code §44308 was revised to simply state:

1. The governing body may appoint three of its members as the hearing panel; or
2. The chairperson of the governing body may appoint an independent hearing panel consisting of three members; or
3. A hearing officer may be appointed by the governing body.

It is recommended that the Board adopt a resolution designating the Chairman as the designated appointing authority for the Independent Hearing Panel.

If the Chairman appoints the members, not more than one member of the governing body shall serve on the independent hearing panel. Members of the independent hearing panel shall be selected for their legal, administrative, or technical abilities in areas relating to solid waste management. At least one member of the independent hearing panel shall be a technical expert with knowledge of solid waste management methods and technology and at least one member shall be a representative of the public at large. The term of office shall be four years and members may not serve more than two consecutive terms. If a member of an independent hearing panel does not complete the member's term, the chairperson of the governing body shall appoint a replacement to serve out the remainder of the unexpired term. Members may receive per diem and necessary expenses while conducting the hearing. The governing body of an enforcement agency may appoint a hearing officer only if the governing body has adopted procedures for making that appointment and has adopted qualifications that the hearing officer is required to meet.

Since 1993, appointments for this panel have been placed on the Board of Supervisors agenda as an administrative item for the appointment of the Board member or if there are multiple applicants and as a consent item if there is only one applicant for either a public at large or technical expert opening. Moving to appointment by the Chairman would minimize the staff time involved in this agenda item process and the Board member time involved in the review of the item. The Chairman would make a presentation on the appointment decision to the Board. In order to make the Chairman's decision part of the record, the appointments could be reported out at the first organizational meeting of the year, in January, when the Board of Supervisors appointments to Boards, Committees and Commissions are annually placed on the agenda.

The Board of Supervisors membership is currently held by Bill Dodd. The County Executive Office has received applications from Joseph G. Doser, Jr. to represent the category of Technical Expert member and Donald F. MacDonald to represent the category of Public At Large member. These four-year terms are requested to begin

immediately.

Historically this panel has never had to meet to hear publicly-owned solid waste facility appeals. However, staff has seen a recent increase in the number of permits filed. Due to the increase in filings and statutory requirements, the Independent Hearing Panel should be re-established at the earliest available time. The County has been contacted by the California Department of Resources, Recycling, and Recovery (Cal Recycle) encouraging the County to make the appointments as soon as possible.

**SUPPORTING DOCUMENTS**

A . CA PubRC §44308

B . Resolution Giving Chairperson Appointing Authority

CEO Recommendation: Approve

Reviewed By: Helene Franchi