



**Contra
Costa
County**

To: Board of Supervisors
From: David Twa, County Administrator
Date: April 17, 2018

Subject: RECOMMENDATION FOR APPOINTMENT TO THE LOCAL ENFORCEMENT AGENCY
INDEPENDENT HEARING PANEL

RECOMMENDATION(S):

APPOINT Victoria Robinson Smith to the Public Member seat on the Local Enforcement Agency Independent Hearing Panel to a four-year term ending on March 31, 2022.

BACKGROUND:

In 1992, the Board of Supervisors, in its capacity as the governing body of the County Local Enforcement Agency, adopted Resolution No. 92/153, which, among other things, appointed the full Board to serve as the hearing panel, a body that implements enforcement and permitting activities at local solid waste facilities, pursuant to a statute that was later repealed. Under current law, hearings regarding the above matters may be conducted by either a hearing officer or by a hearing panel, which may be either (1) a panel of three members of the LEA governing body or (2) an independent three-member panel appointed. (Pub. Resources Code, § 44308.)

The California Code of Regulations requires the appointment of either an independent hearing panel or hearing officer when in the jurisdiction of the LEA there exists a publicly owned or operated solid waste facility or disposal site. In Contra Costa County, the following jurisdictions own solid waste facilities: City of El Cerrito (Registration Tier

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **04/17/2018** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: April 17, 2018

, County Administrator and Clerk of the Board of Supervisors

Contact: Julie DiMaggio Enea
(925) 335-1077

By: Stacey M. Boyd, Deputy

Permit Transfer Station), City of Brentwood (Brentwood Transfer Station), City of Martinez (Martinez City Rubbish-closed landfill), City of Richmond (Naval Fuel Depot Pt. Molate-closed landfill), the City of Antioch (Antioch City Landfill-closed landfill), and the California

BACKGROUND: (CONT'D)

Department of Water Resources (Banks Delta Pumping-closed dump site in Byron). For this reason, CalRecycle recommended that an independent hearing panel be established. CalRecycle also advised that there can be only one LEA hearing panel.

On November 5, 2013, the Board of Supervisors adopted Resolution No. 2013/423, establishing the Contra Costa County Local Enforcement Agency Independent Hearing Panel. The Board, at that time, decided that it would not appoint one of its members to the LEA Hearing Panel and subsequently referred to the IOC the recruitment of three County resident nominees, for BOS consideration, to serve on the panel. As a result of the 2013 recruitment, the Board of Supervisors appointed the first Independent LEA Hearing Panel, composed by Daryl Young, Larry Sweetser (technical expert), and Ana Cortez. The terms of those appointments expired on March 31, 2018.

Among the specific duties of the County LEA are the permitting of solid waste facilities. Solid waste facilities include solid waste transfer or processing stations, composting facilities, transformation facilities and disposal facilities. The permitting process includes the issuance of solid waste facilities permits as well as the denial, revision, modification, suspension and revocation of permits. The County LEA also performs regular inspections of solid waste facilities. A solid waste facility is required to comply with applicable laws and regulations and the terms and conditions of any solid waste facilities permit issued by the County LEA to the facility. Compliance is usually achieved through inspection reports and compliance schedules. Where violations are found, the County LEA works with affected parties on corrective measures as long as those parties make a good faith effort to comply with the requirements.

Public Resources Code section 44308 governs appointments to the Hearing Panel as follows:

1. No more than one member of the Board of Supervisors shall serve on the Hearing Panel.
2. Members of the Hearing Panel shall be selected for their legal, administrative, or technical abilities in areas relating to solid waste management.
3. At least one member shall be a technical expert with knowledge of solid waste management methods and technology.
4. At least one member shall be a representative of the public at large.
5. A member shall serve for a term of four years and may not serve more than two consecutive terms.

Since its establishment in 2014, the Hearing Panel has met twice in Concord (one hearing, split into two evening sessions).

On February 12, 2018, the IOC approved a recruitment plan and schedule prepared by the County Administrator's Office in consultation with Environmental Health, calling for interviews to be held by the Internal Operations Committee on March 12, 2018. In response to the call for applications, the County received two applications, from

incumbents Larry Sweetser and Darryl Young, who were eligible to serve second terms. The Board of Supervisors, on March 12, reappointed Larry Sweetser and Darryl Young, and the search for a third panelist continued.

We are recommending the appointment of Victoria Robinson Smith to the Public Member seat to complete the panel. Ms. Smith serves as the Chair of the Contra Costa County Mayor's Conference, was a former Mayor, Council Member, and Planning Commissioner for the City of Orinda, and is a former RecycleSmart Board Chair and Member. Attached is Ms. Smith's resume.

CONSEQUENCE OF NEGATIVE ACTION:

If the Board elects not to approve the recommendation, additional recruitment will need to be conducted to secure a third panelist, and the panel will remain incomplete until an appointment is made.

ATTACHMENTS

Victoria Smith_Resume_LEA Independent Hearing Panel