

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
SITTING AS THE ENVIRONMENTAL CONTROL BOARD

BOARD APPOINTMENT SUMMARY

Meeting Date: April 7, 2009
 Department: Palm Beach County Health Department
 Submitted by: Palm Beach County Health Department
 Advisory Board Name: Environmental Control Hearing Board

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Reappointment of the following member to the Environmental Control Hearing Board for a term of three (3) years beginning January 24, 2009:

<u>Name</u>	<u>Seat No.</u>	<u>Requirement</u>	<u>Recommended By</u>
Lewis Green	2	Medical Doctor	Palm Beach County Medical Society

Summary: The Board is composed of five members. Membership must consist of one (1) lawyer recommended by the Palm Beach County Bar Association, one (1) medical doctor recommended by the Palm Beach County Medical Society, one (1) engineer recommended by the Palm Beach County Chapter of the Florida Engineering Society, and two (2) citizens-at-large not holding elective office. This action will fill the above seat until January 23, 2012.
Countywide (GB)

Background and Justification: Chapter 77-616, as amended, provides for the organization of the Environmental Control Hearing Board. This Special Act states that the composition of this Board shall consist of an attorney, a doctor, an engineer, and two citizens. Palm Beach County Resolution 92-123 establishes the terms for the members of the Environmental Control Hearing Board. Lewis Green expressed a desire to remain on the Hearing Board and was recommended by the Palm Beach County Medical Society.

Attachments:

- 1 Pages 10 and 11 of Chapter 77-616, Laws of Florida
- 2 Page 2 of Resolution 92-123
- 3 Board Appointment Information Form
- 4 Recommendation letter from the Palm Beach County Medical Society
- 5 Current Membership Directory

Recommended by: _____

Department Director

Date

Legal Sufficiency: _____

Assistant County Attorney

Date

1	Section 8. Exemptions.--The provisions of this act do	1.15/17
2	not apply to:	1.15/17
3	(a) Agricultural operations in the growing, harvesting	1.15/17
4	or processing of crops and the raising of fowls or animals.	1.15/17
5	(b) Use of equipment in the performance of such	1.15/17
6	agricultural operations.	
7	(c) Barbecue equipment or outdoor fireplaces used for	1.15/17
8	noncommercial purpose.	
9	(d) Agricultural land clearing operations or	1.15/17
10	agricultural land grading.	
11	(e) Incinerators and heating equipment in or used in	1.15/18
12	connection with residences used exclusively as dwellings for	1.15/18
13	not more than four (4) families.	
14	(f) Fires set or permitted by any public officer,	1.15/18
15	board, council or commission when such fire is set or	1.15/18
16	permission given in the performance of such duty of the	
17	officer for the purpose of weed abatement, the prevention or	1.15/18
18	elimination of the fire hazard, or the instruction of	1.15/18
19	employees in the methods of fire fighting which is in the	1.15/18
20	opinion of such officer necessary, or from fires set pursuant	
21	to permit for purpose of instruction of employees of private	1.15/18
22	industrial concerns in methods of fire fighting, or for civil	1.15/18
23	defense instruction.	
24	(g) The use of an orchard or citrus grove heater which	1.15/18
25	does not produce unconsumed solid carbonaceous matter at a	1.15/19
26	rate in excess of one (1) gram per minute.	
27	(h) Odors emanating from agricultural operations in	1.15/19
28	the growing, harvesting or processing of crops or raising of	1.15/19
29	fowls or animals.	
30	Section 9. Hearing board; organization.--The Board	1.15/19
31	shall appoint a five (5) member Hearing Board, the members of	

1 which shall have the following qualifications and terms of 1.15/
 2 office: 1.15/
 3 (a) Members of the Hearing Board shall be residents of 1.15/
 4 the County. Members of the Hearing Board, while serving, 1.15/
 5 shall not become candidates for the election to any public
 6 office, nor hold any other appointive office or position under 1.15/
 7 federal, state, county or municipal government, except for an 1.15/
 8 office or position on a governmental board having advisory 1.15/
 9 powers only. Appointments shall be made by the Board on the 1.15/
 10 basis of experience of interest in the field of environmental
 11 control. The composition and representative membership of the 1.15/
 12 Hearing Board shall be as follows: 1.15/
 13 (1) One (1) member shall be a lawyer, recommended to 1.15/
 14 the Board by a representative of the County Bar Association. 1.15/
 15 (2) One (1) member shall be a medical doctor, 1.15/
 16 recommended to the Board by the County Medical Society. 1.15/
 17 (3) One (1) member shall be an engineer, recommended 1.15/
 18 to the Board by the local chapter of the Florida Engineering 1.15/
 19 Society.
 20 (4) Two (2) members shall be citizens not holding 1.15/
 21 elective office.
 22 (b) Members appointed to the Palm Beach County 1.15,
 23 Environmental Control Hearing Board under Chapter 70-862, as 1.15,
 24 amended, shall continue to serve on the Hearing Board but all 1.15,
 25 Hearing Board members shall serve at the pleasure of the
 26 Board.
 27 (c) The members of the Hearing Board shall elect a 1.15
 28 chairman. The presence of three (3) or more shall constitute 1.15
 29 a quorum of the Hearing Board. Members shall serve without 1.15
 30 compensation, but may be reimbursed for such travel expenses,
 31 mileage expenses, and/or per diem expenses as may be 1.15

1 The following resolution is hereby approved and adopted:

2 Section 1. Terms and Length of Service.

3
4 A. Members of the Environmental Control Hearing
5 Board shall be subject to the following terms
6 and length of service:

7
8 (1) The lawyer, engineer, and two citizens
9 shall serve for one (1) year.

10
11 (2) The medical doctor shall serve for two
12 (2) years.

13
14 (3) Thereafter, all appointments shall be
15 made for a term of three (3) years.
16 Appointments to fill any vacancy on the
17 Hearing Board shall be for the remainder
18 of the unexpired term of office.

19
20 (4) Members of the Hearing Board shall be
21 automatically removed for lack of
22 attendance. Lack of attendance is
23 defined as failure to attend three (3)
24 consecutive meetings or failure to attend
25 more than one-half of the meetings
26 scheduled during a calendar year.
27 Participation for less than three-fourths
28 of a meeting shall constitute lack of
29 attendance. Excused absences due to
30 illness, absence from the County, or
31 personal hardship shall not constitute
32 lack of attendance.
33
34

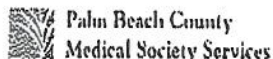
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Looking out for physicians
Looking out for their patients



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A project of the American Medical Association
To help doctors and patients work together

EDMG
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March 18, 2009

Barbara L. Sullivan
Palm Beach County Health Department
Legal Office/Environmental Control Office
828 Evernia St., Rm 211
West Palm Beach, FL 33401

RE: Re-appointment of Lewis Green
Environmental Control Hearing Board

Dear Ms. Sullivan:

The Palm Beach County Medical Society's Board of Directors is pleased to re-appoint Lewis Green, M.D. to continue to serve on the Environmental Control Hearing Board. Lewis Green, M.D. has expressed the desire to continue to serve on this Board.

Sincerely,

Tenna Wiles

Tenna Wiles
Executive Director

Attachment # 4

Page 1 of 1

ENVIRONMENTAL CONTROL HEARING BOARD DIRECTORY

Attachment # 5 of 1 Page

<div> <div>Authority: Chapter 77-616, Special Laws of Florida</div> <div>Terms: 3 Years for All (See Resolution 92-123)</div> </div>							
Seat ID	Name/address	Telephone	Requirement	BCC Appt'd.	Term	Initial Appt.	Re-Appt.
1	Denise J. Bleau, Esq Buckingham, Doolittle & Burroughs, LLP 515 N. Flagler Dr., #2000 West Palm Beach, FL 33401	653-3318 Email dbleau@BDBLAW.com Cell: (561) 329-9862	Attorney-Recommended by PBC Bar (Filling this seat requires contacting the PBC Bar at least 4 months prior to end of this term)	1/13/09	1-13-09 to 1-12-11 (Complete term of Jane West)	X	
2	Lewis E. Green, M.D. 6613 Sand City Way Delray Beach, FL 33416	561/637-1802 home 561/542-0493 cell lewg10@aol.com	Medical Doctor-Recommended by PBC Medical Society (Filling this seat requires contacting the PBC Medical Society at least 4 months prior to end of this term)	09-11-07	4-7-09 to 4-6-2012		X
3	Edwin Sherman Vice Chairman 4740 South Ocean Boulevard Apt. 1105 Highland Beach FL 33487	392-5115 Home 609-823-9325 Home away Cell 561-654-5115 Fax FL 561-395-0986 Fax Away 609-823-7441 Email aabirder@aol.com Away Address: 111 S. 16 th Avenue, Apt. 718, Longport NJ 08403	Citizen Recommended by BCC	12-18-07	1-13-08 to 1-12-11		X
4	David L. Freudenberg 3735 Victoria Way Boca Raton FL 33434	*Cell 561-213-3524 *Use this # 561-482-5436 Home Fax 561-883-9709 Email dfreud@usa.net	Citizen Recommended by BCC	12-18-07	1-13-08 to 1-12-11		X
5	Chad Gruber, P.E. Gruber Consulting Engineers 2587 James River Road West Palm Beach FL 33411	Email gcei@bellsouth.net Cell: 312-2041 Fax: 537-7229	Engineer-Recommended by Florida Engineering Society, PBC Chapter (Filling this seat requires contacting the FL Engineering Society, PBC Chapter at least 4 months prior to expiration of this term)	12-18-07	1-13-08 to 1-12-11		X

Updated as of 3/16/09