

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

BOARD APPOINTMENT SUMMARY

Meeting Date: August 19, 2014
 Department: Florida Department of Health, Palm Beach County
 Submitted by: Office of County Attorney
 Advisory Board Name: Environmental Appeals Board

I. EXECUTIVE BRIEF

Motion/Title: Staff recommends motion to approve: Reappointment of the following two individuals to the Environmental Appeals Board for a term of three (3) years beginning on August 19, 2014 and ending on August 18, 2017.

<u>Nominee</u>	<u>Seat No.</u>	<u>Seat Requirement</u>	<u>Nominated by:</u>
Brian Joslyn, Esq.	5	Attorney	PBC Bar Association
Simon Coleman	1	Professional Engineer	American Society of Civil Engineers- (ASCE) Palm Beach Branch

Summary: The Board is composed of five (5) members. Membership must consist of one (1) lawyer recommended by the Palm Beach County Bar Association; one (1) person recommended by the Gold Coast Builders Association (formerly known as Home Builders and Contractors Association); one (1) professional engineer recommended by the Palm Beach Branch of the American Society of Civil Engineers(ASCE); one (1) water resource professional employed by the South Florida Water Management District (SFWMD); and one (1) drinking water engineer employed by the Department of Environmental Protection (DEP).

Simon Coleman has disclosed that he is an employee of Alan Gerwig & Associates, Inc. which has a contract with the County for Roadway Production Structural Engineering (R2014-0119). The Environmental Appeals Board provides **no** regulation, oversight, management, or policy-setting recommendations regarding the subject contract(s). Disclosure of this contractual relationship at a duly noticed public meeting is being provided in accordance with the provisions of Sec. 2-443, of the Palm Beach County Code of Ethics. Countywide (PGE)

Background and Justification: Environmental Control Rules I and II provide for the organization of the Environmental Appeals Board (EAB). These rules state that composition and representative members of the EAB shall consist of an attorney, an engineer, a water resource professional, a drinking water engineer, and a professional recommended by the Home Builders and Contractors Association. (The Home Builders & Contractors Association has merged with another association and is now known as the Gold Coast Builders Association) Mr. Joslyn expressed a desire to remain on the EAB and was recommended by the PBC Bar Association, and Mr. Coleman has expressed a desire to remain on the EAB and was recommended by the ASCE, Palm Beach Branch. This Board consists of five (5) members: five (5) white males.

Attachments:

1. Boards/Committees Application for Mr. Joslyn & Mr. Coleman
2. Resume for Mr. Joslyn & Mr. Coleman
3. Recommendation from the PBC Bar Association for Mr. Joslyn
4. Recommendation from the ASCE for Mr. Coleman
5. Current List of Board Members
6. Current Attendance Log
7. Article 2, Chapter G, Section 3D, Unified Land Development Code
8. Article 15, Chapter A, ECR-1, Section 12, Unified Land Development Code
9. Article 15, Chapter B, ECR-II, Section 16, Unified Land Development Code

Recommended by: *Alina Alonso* 7/20/14
 Alina Alonso, M.D., Director, FL. Dept. of Health, PBC Date
 Legal Sufficiency: *Renelou Eidleer* 7/23/14
 Assistant County Attorney Date

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
BOARDS/COMMITTEES APPLICATION**

The information provided on this form will be used by County Commissioners and/or the entire Board in considering your nomination. This form MUST BE COMPLETED IN FULL. Answer "none" or "not applicable" where appropriate. Further, please attach a biography or résumé to this form.

Section I (Department): (Please Print)

Board Name: ENVIRONMENTAL APPEALS BOARD Advisory Not Advisory

At Large Appointment or District Appointment / District #: _____

Term of Appointment: 3 Years. From: 8/19/14 To: 8/12/17
(-07/27/14) (-07/26/17)

Seat Requirement: Attorney nominated by the PBC Bar Association Seat #: 5

*Reappointment or New Appointment

or to complete the term of _____ Due to: resignation other

Completion of term to expire on: _____

*When a person is being considered for reappointment, the number of previous disclosed voting conflicts during the previous term shall be considered by the Board of County Commissioners: -0-

Section II (Applicant): (Please Print)

APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT

Name: JOSLYN BRIAN BRADSHAW
Last First Middle

Occupation/Affiliation: Attorney
 Owner Employee Officer

Business Name: GILIN, LOBITZ, MARTENS & O'CONNELL

Business Address: 515 N. FLAGLER DR. SUITE 2000

City & State: WEST PALM BEACH, FL Zip Code: 33401

Residence Address: 91 YACHT CLUB PL

City & State: TEQUESTA, FL Zip Code: 33469

Home Phone: (561) 747-6131 Business Phone: (561) 352-5900 Ext.

Cell Phone: (561) 308-8575 Fax: (561) 833-4209

Email Address: Bjoslyn@gklnlwite.com

Mailing Address Preference: Business Residence

Have you ever been convicted of a felony: Yes _____ No

If Yes, state the court, nature of offense, disposition of case and date: _____

Minority Identification Code: Male Female
 Native-American Hispanic-American Asian-American African-American Caucasian

Section II Continued:

CONTRACTUAL RELATIONSHIPS: Pursuant to Article XIII, Sec. 2-443 of the Palm Beach County Code of Ethics, advisory board members are prohibited from entering into any contract or other transaction for goods or services with Palm Beach County. Exceptions to this prohibition include awards made under sealed competitive bids, certain emergency and sole source purchases, and transactions that do not exceed \$500 per year in aggregate. These exemptions are described in the Code. This prohibition does not apply when the advisory board member's board provides no regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction and the contract or transaction is disclosed at a public meeting of the Board of County Commissioners. To determine compliance with this provision, it is necessary that you, as a board member applicant, identify all contractual relationships between Palm Beach County government and you as an individual, directly or indirectly, or your employer or business. This information should be provided in the space below. If there are no contracts or transactions to report, please verify that none exist. Staff will review this information and determine if you are eligible to serve or if you may be eligible for an exception or waiver pursuant to the code.

<u>Contract/Transaction No.</u>	<u>Department/Division</u>	<u>Description of Services</u>	<u>Term</u>
Ex: (R#XX-XXXX/PO XXX)	Parks & Recreation	General Maintenance	10/01/11-09/30/12
NONE			
(Attach Additional Sheet(s), if necessary)			



NONE

All board members are required to read and complete training on Article XIII, the Palm Beach County Code of Ethics, and read the Guide to the Sunshine Amendment prior to appointment/reappointment. Article XIII, and the training requirement can be found on the web at: <http://www.palmbeachcountyethics.com/training.htm>. Keep in mind this requirement is on-going.

By signing below I acknowledge that I have read, understand, and agree to abide by Article XIII, the Palm Beach County Code of Ethics, and I have received the required Ethics training (in the manner checked below):

By watching the training program on the Web, DVD or VHS
 By attending a live presentation given on _____, 20____

AND

By signing below I acknowledge that I have read, understand and agree to abide by the Guide to the Sunshine Amendment & State of Florida Code of Ethics:

*Applicant's Signature: Brian B. Joslyn Printed Name: Brian B. Joslyn Date: 6/26/14

Any questions and/or concerns regarding Article XIII, the Palm Beach County Code of Ethics, please visit the Commission on Ethics website www.palmbeachcountyethics.com or contact us via email at ethics@palmbeachcountyethics.com or (561) 233-0724.

Return this FORM to:
 Barbara Sullivan, Palm Beach County Health Department
 P.O. Box 29, 800 Clematis St., West Palm Beach, FL 33402

Section III (Commissioner, if applicable):

Appointment to be made at BCC Meeting on: _____

Commissioner's Signature: _____ Date: _____

Pursuant to Florida's Public Records Law, this document may be reviewed and photocopied by members of the public.

Revised 08/01/2011

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
BOARDS/COMMITTEES APPLICATION**

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Section I (Department): (Please Print)

Board Name: ENVIRONMENTAL APPEALS BOARD Advisory Not Advisory

At Large Appointment or District Appointment /District #: _____

Term of Appointment: 3 Years. From: ~~07/26/14~~ 8/19/14 To: ~~07/25/17~~ 8/18/17

Seat Requirement: Professional Engineer recommended by the Palm Beach Branch of the American Society of Civil Engineers (ASCE) Seat #: 1

*Reappointment or New Appointment

or to complete the term of _____ Due to: resignation other

Completion of term to expire on: _____

***When a person is being considered for reappointment, the number of previous disclosed voting conflicts during the previous term shall be considered by the Board of County Commissioners: -0-**

Section II (Applicant): (Please Print)

APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT

Name: COLEMAN SIMON
Last First Middle

Occupation/Affiliation: _____

Owner Employee Officer

Business Name: Alan Gerwig & Associates, Inc.

Business Address: 12798 W Forest Hill Boulevard, Suite 201

City & State: Wellington Zip Code: FL 33414

Residence Address: 612 Dracena Drive

City & State: Wellington Zip Code: FL 33414

Home Phone: () Business Phone: (561) 792 9000 Ext. 215

Cell Phone: () Fax: ()

Email Address: scoleman@aga-engineering.com

Mailing Address Preference: Business Residence

Have you ever been convicted of a felony: Yes _____ No X

If Yes, state the court, nature of offense, disposition of case and date: _____

Minority Identification Code: Male Female
 Native-American Hispanic-American Asian-American African-American Caucasian

CONTRACTUAL RELATIONSHIPS: Pursuant to Article XIII, Sec. 2-443 of the Palm Beach County Code of Ethics, advisory board members are prohibited from entering into any contract or other transaction for goods or services with Palm Beach County. Exceptions to this prohibition include awards made under sealed competitive bids, certain emergency and sole source purchases, and transactions that do not exceed \$500 per year in aggregate. These exemptions are described in the Code. This prohibition does not apply when the advisory board member's board provides no regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction and the contract or transaction is disclosed at a public meeting of the Board of County Commissioners. **To determine compliance with this provision, it is necessary that you, as a board member applicant, identify all contractual relationships between Palm Beach County government and you as an individual, directly or indirectly, or your employer or business.** This information should be provided in the space below. If there are no contracts or transactions to report, please verify that none exist. Staff will review this information and determine if you are eligible to serve or if you may be eligible for an exception or waiver pursuant to the code.

<u>Contract/Transaction No.</u>	<u>Department/Division</u>	<u>Description of Services</u>	<u>Term</u>
Ex: (R#XX-XXXX/PO XXX)	Parks & Recreation	General Maintenance	10/01/11-09/30/12
R2014-0119	Roadway Production	Structural Engineering (Annual)	2/4/14-2/3/17

(Attach Additional Sheet(s), if necessary)



NONE


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- By watching the training program on the Web, DVD or VHS
- By attending a live presentation given on _____, 20____

AND

By signing below I acknowledge that I have read, understand and agree to abide by the Guide to the Sunshine Amendment & State of Florida Code of Ethics:

*Applicant's Signature:  Printed Name: SIMON A. COLEMAN Date: 6/30/14

Any questions and/or concerns regarding Article XIII, the Palm Beach County Code of Ethics, please visit the Commission on Ethics website www.palmbeachcountyethics.com or contact us via email at ethics@palmbeachcountyethics.com or (561) 233-0724.

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 P.O. Box 29, 800 Clematis St., West Palm Beach, FL 33402

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Appointment to be made at BCC Meeting on: _____

Commissioner's Signature: _____ Date: _____

Pursuant to Florida's Public Records Law, this document may be reviewed and photocopied by members of the public.

Revised 08/01/2011

BRIAN B. JOSLYN

515 North Flagler Drive, 20th Floor • West Palm Beach, Florida 33401 • (561) 820-0351
e-mail: bjoslyn@caseyciklin.com

EDUCATION:

Undergraduate: University of Central Florida, B.S. Political Science 1978, Summa Cum Laude; minors in Economics and Russian Language; Cumulative GPA: 3.92; Graduated second in class of College of Social Sciences

Law School: University of Florida, J.D. with Honors 1981; GPA: 3.01; Graduated in top 25% of class

ACTIVITIES AND HONORS:

Undergraduate: Dean's Merit Scholarship Recipient 2 quarters; Debate Scholarship Recipient; Dean's List Every Quarter of Undergraduate School; 4.0 GPA in major and in Economics minor; President, Political Science Union; Student Senator, Senior Year; Debate Team, Freshman - Junior Year; member Omicron Delta Kappa Leadership Fraternity

Law School: Dean's List 8 of 9 quarters; Chancellor of University of Florida Honor Court, Senior Year; Attorney General of the University Student Body, Junior Year; Florida Blue Key; Book Award, Income Taxation I

EMPLOYMENT:

January 1987 - Associate, then Partner (since January 1989), Casey, Ciklin, Lubitz, Martens, & O'Connell, Present West Palm Beach, FL. Trial Lawyer, practice focus on: Real Estate Finance Law; Corporate and Partnership Dissolutions and Disputes; Land Use Litigation; Legal and Accounting Malpractice; Loan Workouts; Probate Litigation; Construction Litigation and Securities Litigation; Over 125 Trials, Arbitrations and Appeals.

Argued successfully in Florida Supreme Court in Bitterman v. Bitterman, 714 So.2d 356 (Fla. 1998).

Rated AV by Martindale Hubbell since 1993.

Sept. 1981 - Dec. 1986 Associate Attorney, DeSantis, Cook, Gaskill & Silverman, P.A., North Palm Beach, Florida - Employed as Commercial Trial Lawyer with a practice focusing on Real Estate Finance and Landlord-Tenant Litigation; Probate, Corporate and Partnership Litigation.

Fall 1980 - June 1981 Law Clerk to Professor Fletcher N. Baldwin, Jr., University of Florida; Senior Paper on Ineffective Assistance of Counsel on Appeal in Death Penalty Cases - became part of Appellate Brief argued by Professor Baldwin to Florida Supreme Court in Knight v. State, 395 So.2d. 997 (Fla. 1981)

Fall 1979 - June 1981 Law Clerk to Honorable Benjamin M. Tench, Circuit Judge, Eighth Judicial Circuit Court of Florida; Gainesville, FL

PROFESSIONAL ASSOCIATIONS:

Florida Bar; American Bar Association; U.S. Supreme Court Bar; U.S. District Court, Southern District of Florida Bar Association; Southern District Trial Bar; Academy of Florida Trial Lawyers; Association of American Trial Lawyers; Palm Beach County Bar Association. Florida Bar Grievance Committee (Palm Beach County) 1993 – 1996; Vice Chair 1996; Palm Beach County Trial Lawyers Association; American Board of Trial Advocates.

NON-LEGAL WORK EXPERIENCE:

1971 - 1974 U.S. Army; Paratrooper, Ranger and Special Forces Qualified; Airborne Ranger Fire Team Leader and Long Range Reconnaissance Team Member, Honorably discharged as Sp.4.

1975 - 1978 Worked at a variety of part-time jobs to finance my education.

HOBBIES:

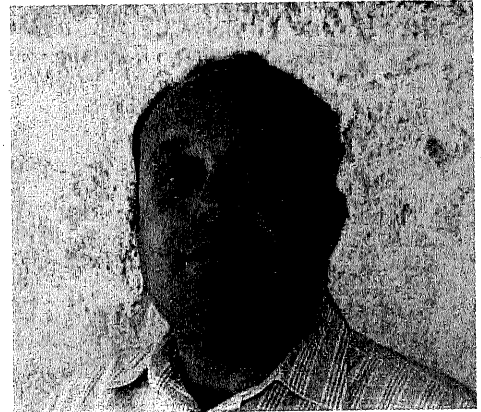
Martial Arts – 3rd Degree Black Belt in Shaolin Kempo Karate, 1st Degree Black Belt in Kendo; Conflict Simulation Games; Travel; Photography; Construction of Scale Ship Models; Mountaineering and Backpacking.

REFERENCES:

Furnished upon request.

Simon A. Coleman, PhD, P.E.

Project Manager, Civil



Profile

Simon Coleman has over 20 years experience in managing and performing a wide variety of complex engineering projects, with extensive experience with the design and permitting of a wide range of land development and civil site design projects in Palm Beach County. Extensive experience has been gained with a wide range of government agencies, including South Florida Water Management District, Lake Worth Drainage District, Palm Beach County Engineering, Palm Beach County Water Utilities Department and Palm Beach County Health Department.

Core Experience

- Project Management & Client Co-ordination
- Management of Sub Consultants
- General Civil Site Design & Permitting
- Drainage Design, Analysis & Modeling
- Design of Paving Systems for Roadways and Parking
- Design of Water & Sewer Systems, Including Analysis of Lift Stations
- Design of Bridges and Coastal Structures

Qualifications

University of Nottingham, UK, 1987 - BSc - Civil Engineering

University of Nottingham, UK, 1990 - PhD - Civil Engineering (Fluid Dynamics)

Licensed Professional Engineer:

Florida License #68929

Key Project Experience

- Royal Palm Beach Public Safety Building & Civic Campus - Parking expansion and upgrades, drainage improvements and water and sewer extensions for new building on existing 16.4 Ac. site.
- Wellington Preserve Equestrian Community – Land development of 525 acre community including off-site roadway design, canal realignment, utility connections and bridge.
- Bushel Stop, Atlantic Avenue – Development of a new 8.7 Ac. commercial site.
- Veterinary Critical Care Center – Site development to support a 24,000 SF specialist vet clinic including paving, drainage, water and sewer design.
- Lake Worth Christian School - Site development for a new Athletic Complex with support buildings
- Horizon Baptist Church – Development of a site to support a new church development, including the design of a potable water treatment system.
- Grove Street Drainage Study, Palm Beach County – Evaluation and analysis of flooding in an existing residential area to define potential solutions.

Alan Gerwig & Associates, Inc.

Consulting Engineers



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Alan Gerwig & Associates, Inc.
Consulting Engineers





PALM BEACH COUNTY BAR ASSOCIATION

ESTABLISHED 1922

1507 BELVEDERE ROAD
WEST PALM BEACH, FL 33406
TELEPHONE: (561) 687-2800
FAX: (561) 687-9007
www.palmbeachbar.org
e-mail: info@palmbeachbar.org

THEODORE S. KYPREOS
PRESIDENT
JAMES G. PRESSLY III
PRESIDENT ELECT
ROSALYN SIA BAKER-BARNES
GREGORY P. HUBER
JESSICA CALLOW MASON
ROBERT "LEE" McELROY IV
EDWARD D. "NED" REAGAN
JOHN R. WHITTLES
JULIA WYDA
DEAN T. XENICK
DIRECTORS

PATIENCE A. BURNS, CAE
EXECUTIVE DIRECTOR

REPLY TO:

July 3, 2014

LINDSAY K. DEMMERY
YOUNG LAWYERS SECTION PRESIDENT
GREGORY M. YAFFA
NORTH COUNTY SECTION PRESIDENT
JILL G. WEISS
IMMEDIATE PAST PRESIDENT
GARY S. LESSER
RONALD P. PONZOLI
DAVID C. PRATHER
MICHELLE R. SUSKAUER
EX OFFICIO MEMBERS - FL BAR BOARD OF GOVERNORS MEMBERS
MARC A. KAUFMAN
EX OFFICIO MEMBER - SOUTH PALM BEACH COUNTY BAR ASSOCIATION PRESIDENT

Barbara L. Sullivan, Legal Assistant
Florida Department of Health
800 Clematis St.
West Palm Beach, FL 33401

Dear Barbara:

This is to advise you that the Palm Beach County Bar Association has agreed to reappoint Brian Joslyn to the Environmental Appeal Board.

Should you have any further questions, please do not hesitate to contact me. Thank you.

Sincerely yours,

Patience A. Burns, CAE
Executive Director

PAB:lsh

K:\Users\pburns\My Documents\Word Docs\BOARD\environmental appeal board appt.doc



PALM BEACH BRANCH

Date: 7-6-2014

TO WHOMSOEVER IT MAY CONCERN

This is to state the ASCE Palm Beach Branch has nominated Simon Coleman to serve as ASCE-appointed licensed engineer on the Palm Beach County Environmental Appeals Board for another 3-year term starting in 2014. Feel free to contact me if you may have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Kadambala', with a horizontal line extending to the right.

Ravi Kadambala

President
ASCE Palm beach Branch
1601 Belvedere Road, Suite 400E
West Palm Beach, Florida 33406
Tel: 561.689.3336
Cell: 352.870.8764
kadambalar@cdmsmith.com

ENVIRONMENTAL APPEAL BOARD DIRECTORY

Authority: Environmental Control Rules I and II **Terms Per Ord 96-28** *Appointments are for three (3) years*

Updated: April 3, 2014

Seat ID	Name/address	Telephone	Requirement	BCC Appt'd.	Term	Initial Appt.	Re-Appt.
1	Simon Coleman, P.E. Alan Gerwig & Associates, Inc. 12798 W. Forest Hill Blvd. #204 Wellington, FL 33414	Ofc: (561) 792-9000 (X 215) Fax: (561) 792-9901 Cell: (561) 543-4846 scoleman@aga-engineering.com	Professional Engineer registered by State of Florida and nominated by Am. Society of Civil Engineers -PB Branch	5/3/11	10/10/10 to 7-27-11 Complete term, plus 3 years to expire 7-26-14	X	
2	David J. Colangelo South Florida Water Management District, M.S.C. 7230 3301 Gun Club Road West Palm Beach FL 33406	Ofc: 682-2843 Fax: Cell: 352-5103 dcolang@sfwmd.gov	Water resource professional employed by SFWMD	4/1/08	4-1-14 to 3-31-17		X
3	Raymond J. Puzzitiello (Vice Chair) 2143 Union Street West Palm Beach, FL 33411	Home/Ofc: 697-8732 Fax: 697-8733 Cell: 718-4176 ray@puzzitiello.com	Member of Gold Coast Builders Assoc. (formerly HCBA)(now known as Florida Atlantic Builders Assoc.)	4/7/09	4/6/12 to 4-05-15		X
4	Bradley Akers Department of Environ. Protection Southeast District 400 North Congress Avenue, #200 West Palm Beach FL 33401	Ofc: 681-6600 Cell 212-8928 Bradley.Akers@dep.state.fl.us	Drinking Water Engineer employed by the DEP	4/1/14	4/1/14 to 3/31/17	X	
5	Brian Joslyn, Esq. (Chair) Casey Ciklin Lubitz, et al 515 N. Flagler Dr., 19 th Floor West Palm Beach FL 33401	Ofc 820-0351 Fax 820-0389 Email bjoslyn@caseyciklin.com Home 747-6131 Cell -	Attorney nominated by PBC Bar Association	7/22/08	7-28-11 to 7-27-14		X

**Environmental Appeal Board
2014**

Board Member	Hearing-Date 1/17	Hearing Date 3/14	Hearing Date 5/9	Hearing Date 6/27	Hearing Date 8/22	Hearing Date 10/17	Hearing Date 12/12
S. Coleman	*	*	*	*			
D. Colangelo	*	*	*	*			
R. Puzzitiello	*	*	*	*			
M. Bechtold**	*	*	*	*			
B. Akers	n/a	n/a	*	*			
B. Joslyn	*	*	*	*			

* No meetings due to no requested variances/appeals.

**NOTE: Michael Bechtold term expired 3/16/14- On 4/1/14 Bradley Akers was appointed to fill this seat

Article 2, Chapter G, Section 3D

shall appoint a Special Master from the pool of candidates previously selected by the BCC to fill the vacancy within 30 days.

8. Conflicts of Interest

Special Master shall not be considered outside or special counsel and shall not be subject to PPM# CW-O-52 relating to outside counsel conflicts of interest.

9. Meetings

a. Scheduling

The Code Enforcement Division shall be responsible for scheduling meetings of Special Master. In the case of an alleged violation as set forth in Article 10.B.1, Procedure, a hearing may be called as soon as practical.

b. Operating Procedures

All cases brought before Special Master shall be presented by either the Code Enforcement Division or an attorney representing the Division.

C. Development Review Appeals Board

1. Establishment

There is hereby established a Development Review Appeals Board (DRAB).

2. Powers and Duties

The DRAB shall have the following powers and duties under the provisions of this Code:

- a. to hear, consider, and decide appeals, decisions of the Zoning Director on applications for Certificates of Concurrency Reservation and Concurrency Exemption Extension;
- b. to hear, consider and decide appeals from decisions of the Planning Director on applications for Entitlement Density, and WHP; and [Ord. 2007-013]
- c. to hear and decide appeals from, decisions of, and conditions imposed by the DRO with regard to action taken on an application for a final development permit.

3. Board Membership

The DRAB shall consist of the Executive Director of PZB, County Engineer, and County Attorney or Deputy County Attorney.

4. Officers; Staff

a. Chair and Vice-Chair

The Executive Director of PZB shall be the Chair of the DRAB.

b. Staff

PZB staff shall be the professional staff for the DRAB.

5. Meetings

a. General

General meetings of the DRAB shall be held as needed to dispose of matters properly before the DRAB. Special meetings may be called by the Chair or in writing by two members of the DRAB. Staff shall provide 24-hour written notice to all DRAB members.

* D. Environmental Appeals Board

1. Establishment

There is hereby established an Environmental Appeals Board (EAB).

2. Powers and Duties

The EAB has the following powers and duties:

- a. to hear appeals from certain requirements, interpretations, or determinations of Article 15, HEALTH REGULATIONS, made by the PBCHD or the Environmental Control Officer.

3. Board Membership

a. Qualifications

The EAB shall be composed of five members appointed by the Environmental Control Board (ECB). The membership of the EAB shall consist of one professional engineer registered by the State of Florida and nominated by the Palm Beach branch of the American Society of Civil Engineers, one water resource professional employed by SFWMD, one drinking water engineer employed by the FDEP, one member of the Gold Coast Builders Association, and one attorney nominated by the PBC Bar Association. [Ord. 2011-016]

b. Terms of Office

All EAB members shall serve a term of three years. Beginning on or after March 2, 2013, no person shall be appointed or reappointed to this Board for more than three consecutive terms. [Ord. 2014-001]

4. Officers

a. Secretary

Article 15, Chapter A, ECR I

- a. For estimated sewage flows of 600 or fewer gallons per day, if a sewer line exists in a public easement or R-O-W which abuts the property or is within 100 feet of the property and if gravity flow can be maintained from the building drain to the sewer line.
 - b. For estimated sewage flows exceeding 600 gallons per day to 1,200 gallons per day, if a sewer line, gravity or force main exists in a public easement or R-O-W which is within 100 feet of the property.
 - c. For estimated sewage flows greater than 1,200 gallons per day to 2,500 gallons per day, if a sewer line, gravity or force main exists in a public easement or R-O-W which is within 500 feet of the property.
 - d. For estimated sewage flows greater than 2,500 gallons per day to 10,000 gallons per day, if a sewer line (gravity or force main) exists in a public easement or R-O-W which is within 1,000 feet of the property. [Ord. 2013-002]
- B. Where the property is located in an area that is subject to frequent flooding.
 - C. For lots in a subdivision where the approved drainage has not been constructed in accordance with the requirements of the SFWMD and/or the PBC Engineering Department.
 - D. For treatment and disposal of industrial hazardous or toxic wastes.

Section 9 Handling of Septage

Collection, treatment and disposal of septage shall be in accordance with Rule 64E-6, F.A.C. No person(s) or corporation shall engage in the business of servicing septic tanks, grease traps, portable toilets or other treatment receptacles without first obtaining an annual license from the Department. The issuance of the license would be based upon compliance with the provisions of Rule 64E-6, F.A.C.

Section 10 Prohibitions

- A. It is prohibited for any person to construct, keep, use or maintain a privy from which human waste is deposited on the surface of the ground or over waters of the State of Florida.
- B. No person shall manufacture, sell or install an OSTDS unless in compliance with the requirements of his Article.
- C. It is prohibited to drain sewage wastes or septic tank effluent into cesspools or drywells as means of disposal.
- D. Organic chemical solvents shall not be advertised, sold or used in PBC for the purpose of degreasing or declogging onsite sewage disposal systems.

Section 11 Incorporation by Reference of Rule 64E-6, F.A.C.

Rule 64E-6, F.A.C. as may be amended from time to time and all amendments hereto, is hereby incorporated by reference including, but not limited to, application and permitting procedures, systems design and construction standards, system sizing, system setback requirements, septage disposal, system maintenance and fee schedule unless higher in the PBC fee ordinance. In the event of a conflict between the provision of Rule 64E-6, F.A.C. and this Article, the more restrictive provision shall apply.

★ Section 12 Environmental Appeal Board (EAB)

The EAB was established by the ECB on May 26, 1987 to hear appeals from certain requirements, interpretations or determinations of this Article made by the Department or the ECO. Its membership is described in Art. 2.G, DECISION MAKING BODIES.

Section 13 Appeals

- A. Persons aggrieved by a requirement, interpretation or determination of this Article made by the Department or the ECO may appeal to the EAB by filing a written notice of appeal, with the ECO within 30 days from the determination to be appealed. However, no appeal shall be filed which requests relief from the construction standards required under Rule 64E-6, F.A.C. The notice shall be accompanied by a certified check or money order, made payable to the Department to defray the cost of processing and administering the appeal. The fee for filing the appeal shall be in accordance with the fee schedule [PBC Code Chapter 11, Art. II Sect. 11-24]. [Ord. 2013-002]
- B. Each notice of appeal shall state the factual basis for the appeal and the relief requested. There shall be attached to each notice supportive materials and documents, including the information listed in Appendix

C, ECR I - Information Required for an Appeal for an Individual Lot, or Appendix D, ECR II- Information for an Appeal for a Subdivision, if applicable to the appeal. The EAB may require such additional information, as it deems necessary. A separate notice of appeal must be filed for each site or system considered for an appeal. Required supporting documentation for the appeal must be filed with the Department of Environmental Control Office with the notice of appeal. The burden of presenting supportive facts in the notice of appeal shall be the responsibility of the person filing the appeal. The person filing the appeal shall have the burden of proving that he/she is entitled to relief. The Department shall defend all appeals before the EAB. [Ord. 2005 – 003]

- C. The person filing the appeal shall also submit to the ECO a list of the names and addresses of every property owner who may be affected by the granting of the appeal in the following cases:
1. The proposed OSTDS fails to meet the minimum distance required between the system and a well, as provided by this Article; or
 2. The proposed OSTDS is within five feet of a neighboring lot; or
 3. The proposed OSTDS is within 50 feet of a water body on a neighboring lot.
- D. A hearing on the appeal shall be set within 60 days of receipt of the notice of appeal by the ECO. This provision does not mean that the applicant is entitled to a hearing on the first available agenda following receipt of the notice of appeal.
- E. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. All testimony shall be under oath. Irrelevant, immaterial or unduly repetitious evidence shall be excluded; but all other evidence of a type commonly relied upon by reasonably prudent persons shall be admissible, whether or not such evidence would be admissible in the trial courts of the State of Florida. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.
- F. The parties shall have the following rights: to be represented by counsel; to call and examine witnesses; to introduce exhibits; to cross-examine witnesses on any relevant matter, even though the matter was not covered in direct examination; and to rebut evidence.
- G. The EAB shall hear and consider all facts material to the appeal and shall issue findings of fact based upon the greater weight of the evidence and shall issue an order affording the proper relief consistent with the powers granted herein. The findings and order shall be by motion approved by a majority of those members present and voting.
- H. In order to grant an appeal authorizing an OSTDS on a single lot, the EAB must find that:
1. Because of special factors, which may include economic factors, the applicant is unable to comply with this Article; and
 2. The OSTDS complies with current construction standards; and
 3. The granting of the appeal is the minimum alternative that will make possible the reasonable use of the land, structure or building; and
 4. The granting of the appeal is consistent with the general intent, purpose and requirements of PBC laws and ordinances; and
 5. The grant of the appeal will not be injurious to the area involved or to the public health and general welfare.

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- I. In order to grant an appeal authorizing OSTDS in subdivisions containing lots smaller than those required under this Article, the EAB must additionally find:
 1. That for a proposed subdivision to be served by individual private wells, each lot has at least one-half acre, with a minimum dimension of 100 feet and that said subdivision contains no more than 50 lots; or that for the proposed subdivision to be served by a public water system, each lot has at least one-third acre with a minimum dimension of 75 feet and that said subdivision contains no more than 100 lots; and
 2. That satisfactory ground water can be obtained if an individual private well is to be used; and
 3. That all distance and setbacks, soil conditions, water table elevations and other related requirements of this Article and Rule 64E-6, F.A.C., are met; and
 4. That the proposed subdivision does not represent sequential development of contiguous subdivisions, the purpose of which is to avoid the requirements of Article 15.A.13.I.1; and
 5. That a municipal, county or investor-owned public sewage system is not available contiguous to the proposed subdivision or within one-half mile thereof with public R-O-W accessibility; and
 6. That a municipal, county or investor-owned public sewage system is not available contiguous to the proposed subdivision or within one-half mile thereof with public R-O-W accessibility; and
 7. That the proposed density of the subdivision is consistent with the density recommended in the Land Use Plan of PBC or in the Land Use Plan of the appropriate municipality; and
 8. That the developer has made every reasonable effort to obtain public water and sewer; and
 9. That dry water and/or sewer lines are to be installed by the developer and that the developer will establish an escrow account to pay for the cost of connection when water and/or sewer becomes available, or that the installation of the same is not feasible from a technical or economic standpoint; and
 10. That onsite, water and/or sewage treatment facilities are not feasible from a technical or economic standpoint; and
 11. That the proposed development will consist of no more than one single family residence per lot; and
 12. That land uses surrounding and adjacent to the proposed subdivision and soil qualities of the area do not indicate that the area's health is endangered by an inordinate proliferation of septic tanks.
- J. Provided that the factual findings specified in Article 15.A.13.H and Article 15.A.13.I, the EAB may reverse, modify or affirm, wholly or partly, the requirement, interpretation or determination made by the Department or the ECO. In granting an appeal, the EAB may prescribe appropriate conditions and safeguards consistent with this Article. Violation of such conditions and safeguards, when made a part of the terms under which the appeal is granted, shall be deemed a violation of this Article. The EAB may also prescribe a reasonable time within which the action for which the appeal is granted shall be started or completed or both. Any decision of the EAB shall be in the form of written order.
- K. If there is a change in facts or circumstances supporting a request for relief after an order granting relief has been issued, then the applicant shall notify the Department. The Department may request the EAB to revoke or amend the order.
- L. Except where the relief granted is to exempt an applicant from the requirement to connect to a sanitary sewer under Article 15.A.8.A, any relief granted shall automatically terminate upon the availability of sewer service to the lot or parcel. Unless otherwise provided in an order issued pursuant to Article 15.A.13.J, relief granted under this Article shall automatically lapse if action for which the appeal was granted has not been initiated within 24 months from the date of granting such appeal by the EAB or, if judicial proceedings to review the EABs decision shall be instituted, from the date of entry of the final order in such proceedings, including all appeals. **[Ord. 2013-002]**
- M. The decision of the EAB shall be final administrative action. Any party or interested person may appeal a decision of the EAB to the Circuit Court of PBC. Such appeal shall be filed within 30 days of the execution of the EABs order.

Section 14 Violations, Enforcement Penalties, Inspections

A. Violations, Enforcement and Penalties

It is unlawful for any person to violate any provisions of this Article or any duly constituted order of the ECHB enforcing this Article. Such violations shall be punished according to the provisions of Chapter 77-616, Special Acts, Laws of Florida, as amended from time to time and PBC Environmental Control Ordinance No. 94-26, 32 as amended.

B. Inspections

It shall be the duty of the Health Director to conduct such inspections as are reasonable and necessary to determine compliance with the provisions of this Article.

Article 15, Chapter B, ECR II

- A. Where two community water supply systems have distribution or transmission lines within 1,000 feet of each other, they shall provide an emergency interconnection between the two systems when the Department determines that such a connection would be of benefit to the citizens of PBC. Such determination shall be based on the possibility of destruction of the water source or treatment system in the event of a disaster and the possible benefits in moving water between the systems. Such interconnecting lines shall be no smaller than the smallest of the two lines being inter-connected and shall be provided with at least one valve and any necessary flush points. If the two water suppliers are unable to reach an agreement on the payment for installation of such an inter-connection, each supplier shall pay the cost of construction from the supplier's line to the point of connection and shall pay 50 percent of the cost of a meter and meter box if either party desires a meter and meter box. The point of connection shall be at the following:
1. Municipal limits or franchise boundaries if the supplier's limits or boundaries are adjacent and contiguous.
 2. The midpoint of the municipal limits or franchise boundaries if the limits or boundaries are not adjacent and contiguous. The interconnection shall be completed within one year after the Department notifies the systems involved.
- B. Any consecutive or community water system may be required to provide a flush or fire hydrant, water tap or other provision for securing an emergency water service from an existing main at a location that the Department determines would be of benefit to the citizens of the area. Such determination shall be based in part on the possibility of a prolonged power outage or other disaster which would render individual wells in the area unusable. Other considerations will include the density of individual wells in the area and the distance of the nearest possible potable water supply during an emergency. Such water taps shall be constructed within 120 days of notification by the Department. It shall be the responsibility of PBC to secure an agreement with the community water system for use of that emergency water service.

Section 15 Adoption of Chapters of F.A.C.

Chapters 62, 532, 550, 551, 555, 560, 602, 699, 64E-6 and 64E-8, F.A.C., and all amendments thereto, are hereby incorporated into this Article. In the event of a conflict between the provisions of these Chapters and this Article, the more restrictive provision shall apply.

Section 16 Environmental Appeal Board (EAB)

The EAB was established by the ECB on May 26, 1987, to hear appeals from certain requirements, interpretations or determinations of this Article made by the Department or the ECO. Its membership is described in Art. 2, DECISION MAKING BODIES.

Section 17 Appeals

- A. Persons aggrieved by a requirement, interpretation or determination of Art. 15.B.8, Construction and Design Requirements, and Art. 15.B.9, Connection Required, made by the Department or the ECO may appeal to the EAB by filing a written notice of appeal, with the ECO within 30 days from the determination to be appealed. The notice shall be accompanied by a certified check or money order, in the amount of \$100.00 made payable to the Department which shall be non-refundable, to defray the cost of processing and administering the appeal. Only those appeals requesting relief from setbacks under Art. 15.B.8, Construction and Design Requirements, or requesting an exception from connection to a public or investor-owned community water supply under Art. 15.B.9, Connection Required, shall be filed. **[Ord. 2005 - 003]**
- B. Each notice of appeal shall state the factual basis for the appeal and the relief requested. There shall be attached to each notice supportive materials and documents, including a site plan indicating proposed and existing individual sewage disposal systems and water wells on the property that is the subject of the appeal and all other systems and conditions on neighboring properties which could affect the requirements of Art. 15.B.8, Construction and Design Requirements, or Art. 15.B.9, Connection Required, if the appeals were granted. The EAB may require such additional information as it deems necessary. A separate notice of appeal must be filed for each site or system considered for an appeal. Required supporting documentation for the appeal must be filed with the Department or ECO with the notice of appeal. The burden of presenting supporting facts in the notice of appeal shall be the responsibility of the person filing the appeal. The person filing the appeal shall have the burden of proving that he/she is entitled to relief. The Department and/or ECO shall defend all appeals before the EAB. **[Ord. 2005 - 003]**

- C. The person filing the appeal shall also submit to the ECO a list of the names and addresses of every property owner who may be affected by the granting of the appeal.
- D. A hearing on the appeal shall be set within 60 days of receipt of the notice of appeal by the ECO. This provision does not mean that the applicant is entitled to a hearing on the first available agenda following receipt of the notice of appeal.
- E. Formal rules of evidence shall not apply to the hearing but fundamental due process shall be observed and shall govern the proceedings. All testimony shall be under oath. Irrelevant, immaterial or unduly repetitious evidence shall be excluded; but all other evidence of a type commonly relied upon by reasonably prudent persons shall be admissible, whether or not such evidence would be admissible in the trial courts of the State of Florida. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.
- F. The parties shall have the following rights: to be represented by counsel; to call and examine witnesses; to introduce exhibits; to cross-examine witnesses on any relevant matter, even though the matter was not covered in direct examination; and to rebut evidence.
- G. The EAB shall hear and consider all facts material to the appeal and shall issue findings of fact based upon the greater weight of the evidence and shall issue an order affording the proper relief consistent with the powers granted herein. The findings and order shall be by motion approved by a majority of those members present and voting.
- H. In order to grant an appeal authorizing a new or existing well for use in lieu of connecting to a public or investor-owned community water supply, the EAB must find that: **[Ord. 2005 – 003]**
 - 1. Satisfactory ground water is available or can be obtained; and
 - 2. The well complies with all setbacks, construction standards and other requirements of this Article; and Chapters 62-550, 62-555, 62-532, 64E-6, and 64E-8, F.A.C., and **[Ord. 2005 – 003]**
 - 3. Every reasonable effort has been made to obtain a water supply from a public or investor-owned community water supplier.
- I. In order to grant relief from Art. 15.B.8, Construction and Design Requirements, and/or Art. 15.B.9, Connection Required, the EAB must find that: **[Ord. 2005 – 003]**
 - 1. Satisfactory ground water can be obtained; and
 - 2. Every reasonable effort has been made to comply with the requirements of this Article in the location of the water well; and
 - 3. The proposed water well complies with all construction standards and other requirements of this Article; and
 - 4. Advanced notice shall be given to future purchasers of the water system that the system shall be connected to a community water supply when such supply becomes available. The purchaser has certain operational requirements until such connection is completed.
- J. Provided that the factual findings specified in Article 15.B.17.H, Article 15.B.17.I, above, are made, the EAB may reverse, modify or affirm, wholly or partly, the requirement, interpretation or determination made by the Department or the ECO. In granting an appeal, the EAB may prescribe appropriate conditions and safeguards consistent with this Article. Violation of such conditions and safeguards, when made a part of the terms under which the appeal is granted, shall be deemed a violation of this Article. The EAB may also prescribe a reasonable time within which the action for which the appeal is granted shall be started or completed or both. Any decision of the EAB shall be in the form of written order.
- K. If there is a change in the facts or circumstances supporting a request for relief after an order granting relief has been issued, then the applicant shall notify the Department. The Department may request the EAB to revoke or amend the order.
- L. Except where the relief granted is to exempt an applicant from the requirement to connect to a community water supply under Art. 15.B.9, Connection Required, any relief granted shall automatically terminate upon the availability of community water supply to the lot or parcel. Upon the request of the Department or the ECO, the EAB may modify or rescind an order granting relief from the requirements to connect to a public or investor-owned community water supply under Art. 15.B.17.H if conditions under which the appeal was granted no longer exist. Unless otherwise provided in an order issued pursuant to Art. 15.B.17.H, relief granted under this Article shall automatically lapse if action for which the appeal was granted has not been initiated within one year from the date of granting such appeal by the EAB or, if judicial proceedings to review the EAB's decision shall be instituted, from the date of entry of the final order in such proceedings, including all appeals. **[Ord. 2005 – 003]**
- M. The decision of the EAB shall be final administrative action. Any party or interested person may appeal a decision of the EAB to the Circuit Court of PBC. Such appeal shall be filed within 30 days of the execution of the EAB Order.