

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

SITTING AS THE ENVIRONMENTAL CONTROL BOARD

BOARD APPOINTMENT SUMMARY

Meeting Date: January 10, 2017
Department: Florida Department of Health, Palm Beach County
Submitted by: County Administration
Advisory Board Name: Environmental Control Hearing Board

I. EXECUTIVE BRIEF

Motion/Title: Staff recommends motion to approve: Appointment of the following individual to the Environmental Control Hearing Board (Board) for a term of three (3) years beginning on January 14, 2017, to January 13, 2020:

<u>Nominee</u>	<u>Seat No.</u>	<u>Seat Requirement</u>	<u>Nominated by:</u>
Douglas H. MacLauglin	1	Attorney	PBC Bar Association

Summary: The Board is comprised of five (5) 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. On December 15, 2016, the Palm Beach County Bar Association recommended Mr. Douglas H. MacLauglin to replace Alicia M. Phidd, who has decided not to seek reappointment. The Board has five (5) seats, with three (3) currently filled, and a diversity count of: Caucasian 2 (67%) and African-American 1 (33%). The gender ratio (female:male) is: 1:2. The above nominee is a Caucasian Male. In a separate companion item, the Board is also appointing a citizen at-large who is an African-American female. With these actions, one vacancy still remains on the Board for a citizen at-large. Countywide (HH)

Background and Justification: Chapter 77-616, as amended, provides for the organization of the Environmental Control Hearing Board (ECHB). This Special Act states that the composition of this Board shall consist of an attorney, a doctor, an engineer, and two citizens. The ECHB conducts hearings into the merits of alleged violations to Sections promulgated under Chapter 77-616, Special Acts, Laws of Florida, and PBC Ord. 78-5, as amended.

- Attachments:**
1. Boards/Committees Application w/Resume
 2. Current List of Board Members
 3. Letter dated December 15, 2016 from the Palm Beach County Bar Association
 4. Pages 10 and 11 of Chapter 77-616, Laws of Florida
 5. Article 2, Chapter G, Section 3E, Unified Land Development Code

Recommended by: Todd J. Bonlarron 1/13/17
Todd J. Bonlarron, Assistant County Administrator Date

Legal Sufficiency: Shirley C. Skirgald 1-4-17
Assistant County Attorney Date

II. REVIEW COMMENTS

A. Other Department Review:

Department Director

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

The information provided on this form will be used in considering your nomination. Please **COMPLETE SECTION II IN FULL**. Answer "none" or "not applicable" where appropriate. Please attach a biography or résumé to this form.

Section I (Department): (Please Print)

Board Name: Environmental Control Hearing Board Advisory Not Advisory

At Large Appointment or District Appointment /District #: _____

Term of Appointment: 3 Years. From: 1/15/2017 To: 1/14/2020

Seat Requirement: Attorney Recommended by PBC Bar 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: _____

Section II (Applicant): (Please Print)

APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT

Name: MacLaughlin Douglas Harold
Last First Middle

Occupation/Affiliation: Attorney
Owner Employee of Counsel Officer

Business Name: Nason Yeager Gerson White and Lisco, P.A.

Business Address: 750 Park of Commerce Blvd, Suite 210

City & State: Boca Raton, Florida Zip Code: 33487

Residence Address: 319 Greenwood Drive

City & State: West Palm Beach, Florida Zip Code: 33405

Home Phone: (561) 329-4403 Business Phone: (561) 329-4403 Ext.

Cell Phone: (561) 329-4403 Fax: ()

Email Address: douglas.macloughlin@aol.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>
<u>Example: (R#XX-XX/PO XX)</u>	<u>Parks & Recreation</u>	<u>General Maintenance</u>	<u>10/01/00-09/30/2100</u>
_____	_____	_____	_____
_____	_____	_____	_____

(Attach Additional Sheet(s), if necessary)
OR

NONE



NOT APPLICABLE/
(Governmental Entity)



ETHICS TRAINING: All board members are required to read and complete training on Article XIII, the Palm Beach County Code of Ethics, and read the State Guide to the Sunshine Amendment, Article XIII, and the training requirement can be found on the web at: <http://www.palmbeachcountylethics.com/training.htm>. Ethics training is on-going, and pursuant to PPM CW-P-79 is required before appointment, and upon reappointment.

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 on Dec. 21 2016
 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: *Douglas H. MacLaughlin* Printed Name: Douglas H. MacLaughlin Date: 12/21/16

Any questions and/or concerns regarding Article XIII, the Palm Beach County Code of Ethics, please visit the Commission on Ethics website www.palmbeachcountylethics.com or contact us via email at ethics@palmbeachcountylethics.com or (561) 355-1915.

Return this FORM to:

{Insert Liaison Name Here}, {Insert Department/Division Here}
{Insert Address Here}

Section III (Commissioner, if applicable):

Appointment to be made at BCC Meeting on: _____

Commissioner's Signature: _____ Date: _____

CAREER SUMMARY

Over 40 years of experience resolving environmental issues for state and regional agencies, including 35 years in Florida. Significant experience in permit negotiations, settlement of enforcement matters, administrative litigation, state environmental and administrative appellate law, federal water law, development of rules and legislation, and mentoring and supervising environmental professionals.

EDUCATION

Jurist Doctorate <i>University of Miami School of Law Miami, FL</i>	1977
Bachelor of Sciences in Biology <i>University of Wisconsin Eau Claire, WI</i>	1970

EXPERIENCE

Nason, Yeager, Gerson, White and Lioce, P.A. <i>Of Counsel</i>	2015-Present (As Needed)
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- Representing client's environmental interests in state and federal permitting and enforcement matters.

South Florida Water Management District <i>Environmental Practice Group Manager and Senior Attorney</i>	1998-2014
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- Represented the District's legal interests concerning water management regulatory and planning matters, including permitting, enforcement and rule making.
- Managed the attorneys and support staff in the District's Regulatory Section for 10 years

Florida Department of Environmental Regulation <i>Assistant General Counsel</i>	1977-1998
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- Represented the Department's legal interests in regulatory programs for solid and hazardous waste, water and air.
- Practiced in all legal disciplines including litigation, rulemaking and appeals.

Wisconsin Department of Natural Resources <i>Natural Resource Specialist</i>	1970-1975
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- Coordinated with local governments to implement new State solid waste disposal rules.
- Conducted landfill inspections and met with local officials to address permitting and compliance issues.

MEMBERSHIPS, CERTIFICATIONS, VOLUNTEER WORK, AWARDS

- Florida Bar Association.
- Florida Bar Board Certified for State and Federal Government and Administrative Practice.
- Florida Certified Mediator.
- Volunteer for the Guardian ad Litem Program in Palm Beach County.
- "Distinguished Service Award" by the Government Lawyer Section of the Florida Bar, 2014



**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
ENVIRONMENTAL CONTROL HEARING BOARD**

I. AUTHORITY :

PBC Environmental Control Act, Chapter 77-616, Section 9, Laws of Florida, Ordinance No. 78-5; as amended by Ordinance No. 79-15; amended by Ordinance No. 85-25; as amended by Ordinance No. 87-22. Unified Land Development Code, Section 4.12, amended by Resolution No. R92-123.

II. APPOINTING BODY :

Board of County Commissioners

III. COMPOSITION, QUALIFICATIONS, TERMS & REMOVAL :

The Board shall be composed of five (5) members. Membership shall consist of one (1) lawyer, recommended by the PBC Bar Association; one (1) medical doctor, recommended by the PBC Medical Society; one (1) engineer, recommended by the PBC chapter of the Florida Engineering Society; and two (2) citizens at-large. The term of appointments shall be for three (3) years. Appointments to fill any vacancy on the Hearing Board shall be for the remainder of the unexpired term of office. Members shall receive no compensation for their services. Travel reimbursements are limited to expenses incurred only for travel outside PBC necessary to fulfill the responsibilities of membership of the Board.

EXTENDED COMPOSITION :

IV. MEETINGS :

Every forty-five (45) days at 8:30a.m., 800 Clematis, West Palm Beach, FL

V. FUNCTIONS :

To hear and conduct hearings into the merits of alleged violations to sections promulgated under Chapter 77-616, Special Act, Laws of Florida, and PBC Ordinance No. 78-5, as amended, and to issue injunctive and affirmative relief for violations; and after due public hearing upholding a violation, to reach a decision setting forth such findings of fact and conclusions of law as are required in view of the issues presented. The decision shall contain an order which may be framed in the manner of a writ of injunction requiring the violator to conform with either or all of the following requirements: (a) to refrain from committing, creating, maintaining, or permitting the violations; (b) to take such affirmative action as the ECHB deems necessary and reasonable under the circumstances to correct such violation; (c) to issue orders imposing civil penalties of up to \$500 for each day of violation; (d) to issue subpoenas to command the appearance of any person before a hearing at a specified time and place to be examined as a witness. Such subpoenas may require such person to produce all books, papers and documents in that person's possession or under that person's control, material to such hearings; and (e) to administer oaths to any or all persons who are to testify before the ECHB.

Attachment # 2

* indicates a member having an action pending

VI. LIAISON INFORMATION :

LIAISON DEPARTMENT

Florida Dept. of Health - Palm Beach Coun

CONTACT PERSON

Precious Woods

ADDRESS

800 Clematis St
West Palm Beach FL 33401
Phone # 561-671-4008

* indicates a member having an action pending



ENVIRONMENTAL CONTROL HEARING BOARD

SEAT ID	CURRENT MEMBER	ROLE TYPE	RACE CODE	GENDER	BUSINESS / HOME PHONE	SEAT REQUIREMENT	APPOINT DATE	REAPPOINT DATE	EXPIRE DATE
Appointed By : At-Large/Palm Beach County Board of County Commissioners									
1	* Alicia M. Phidd	Member	AA	F	561-900-6893	Attorney	01/14/2014		01/13/2017
	9605 Capendon Ave Unit 305 Palm Beach Gardens FL 33418								
	NOMINATED BY : Palm Beach County Bar Association								
2	David Shulan	Member	CA	M	562-374-9221	Medical Doctor/ER Physician	04/21/2015		04/20/2018
	12264 Bear River Rd Boynton Beach FL 33473								
	NOMINATED BY : Palm Beach County Medical Society								
3	Vacant	Member				Resident of Palm Beach County			01/31/2017
	NOMINATED BY :								
4	Vacant	Member				Resident of Palm Beach County			01/31/2017
	NOMINATED BY :								

* indicates a member having an action pending

Appointed By : At-Large/Palm Beach County Board of County Commissioners

5 Terrence R. Horan Member CA M 561-840-3667 Engineer
ECS Florida, LLC

02/04/2014

02/03/2017

2000 Avenue "P" Ste 3
West Palm Beach FL 33404

NOMINATED BY : Florida Engineering Society - PBC Chapter

* indicates a member having an action pending



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

JOHN R. WHITTLES
PRESIDENT
ROSALYN SIA BAKER-BARNES
PRESIDENT ELECT
GREGORY P. HUBER
JESSICA CALLOW MASON
ROBERT "LEE" McELROY IV
EDWARD D. "NED" REAGAN
GRASFORD W. SMITH
SCOTT B. SMITH
JULIA WYDA
DEAN T. XENICK
DIRECTORS

CARLA THARP BROWN
EXECUTIVE DIRECTOR

REPLY TO:

December 15, 2016

ASHLEY WILSON
YOUNG LAWYERS SECTION PRESIDENT
ROSEMARIE GUERINI
NORTH COUNTY SECTION PRESIDENT
J. GRIER PRESSLY III
IMMEDIATE PAST PRESIDENT
ADAM T. RABIN
GARY S. LESSER
RONALD P. PONZOLI
MICHELLE R. SUSKAUER
EX OFFICIO MEMBERS - FL BAR BOARD OF GOVERNORS MEMBERS
PATRICIA ALEXANDER
EX OFFICIO MEMBER - SOUTH PALM BEACH COUNTY BAR ASSOCIATION PRESIDENT

Ms. Precious Woods
Florida Department of Health, PBC Legal Office
Post Office Box 29
800 Clematis Street
West Palm Beach, FL 33401

Dear Ms. Woods:

This is to advise you that the Palm Beach County Bar Association Board of Directors has agreed to appoint Douglas H. MacLaughlin to the Environmental Control Hearing Board.

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

Sincerely,

Carla Tharp Brown
Executive Director

cc: Mr. Douglas H. MacLaughlin
319 Greenwood Drive
West Palm Beach, FL 33405
(561) 329-4403

1	Section 8. Exemptions.--The provisions of this act do	1.15/17-
2	not apply to:	1.15/175
3	(a) Agricultural operations in the growing, harvesting	1.15/175
4	or processing of crops and the raising of fowls or animals.	1.15/176
5	(b) Use of equipment in the performance of such	1.15/177
6	agricultural operations.	
7	(c) Barbecue equipment or outdoor fireplaces used for	1.15/178
8	noncommercial purpose.	
9	(d) Agricultural land clearing operations or	1.15/179
10	agricultural land grading.	
11	(e) Incinerators and heating equipment in or used in	1.15/180
12	connection with residences used exclusively as dwellings for	1.15/181
13	not more than four (4) families.	
14	(f) Fires set or permitted by any public officer,	1.15/182
15	board, council or commission when such fire is set or	1.15/183
16	permission given in the performance of such duty of the	
17	officer for the purpose of weed abatement, the prevention or	1.15/184
18	elimination of the fire hazard, or the instruction of	1.15/185
19	employees in the methods of fire fighting which is in the	1.15/186
20	opinion of such officer necessary, or from fires set pursuant	
21	to permit for purpose of instruction of employees of private	1.15/187
22	industrial concerns in methods of fire fighting, or for civil	1.15/188
23	defense instruction.	
24	(g) The use of an orchard or citrus grove heater which	1.15/189
25	does not produce unconsumed solid carbonaceous matter at a	1.15/190
26	rate in excess of one (1) gram per minute.	
27	(h) Odors emanating from agricultural operations in	1.15/191
28	the growing, harvesting or processing of crops or raising of	1.15/192
29	fowls or animals.	
30	Section 9. Hearing board; organization.--The Board	1.15/193
31	shall appoint a five (5) member Hearing Board, the members of	

EC HB

1 which shall have the following qualifications and terms of 1.15/194
 2 office: 1.15/195

3 (a) Members of the Hearing Board shall be residents of 1.15/196
 4 the County. Members of the Hearing Board, while serving, 1.15/197
 5 shall not become candidates for the election to any public 1.15/198
 6 office, nor hold any other appointive office or position under 1.15/199
 7 federal, state, county or municipal government, except for an 1.15/200
 8 office or position on a governmental board having advisory 1.15/201
 9 powers only. Appointments shall be made by the Board on the 1.15/202
 10 basis of experience of interest in the field of environmental 1.15/203
 11 control. The composition and representative membership of the 1.15/204
 12 Hearing Board shall be as follows: 1.15/205

13 (1) One (1) member shall be a lawyer, recommended to 1.15/206
 14 the Board by a representative of the County Bar Association. 1.15/207
 15 (2) One (1) member shall be a medical doctor, 1.15/208
 16 recommended to the Board by the County Medical Society. 1.15/209
 17 (3) One (1) member shall be an engineer, recommended 1.15/210
 18 to the Board by the local chapter of the Florida Engineering
 19 Society. 1.15/211

20 (4) Two (2) members shall be citizens not holding 1.15/212
 21 elective office. 1.15/213

22 (b) Members appointed to the Palm Beach County 1.15/214
 23 Environmental Control Hearing Board under Chapter 70-862, as 1.15/215
 24 amended, shall continue to serve on the Hearing Board but all 1.15/216
 25 Hearing Board members shall serve at the pleasure of the
 26 Board. 1.15/217

27 (c) ~~The members of the Hearing Board shall elect a~~ 1.15/218
 28 ~~chairman.~~ The presence of three (3) or more shall constitute 1.15/219
 29 a quorum of the Hearing Board. Members shall serve without 1.15/220
 30 compensation, but may be reimbursed for such travel expenses,
 31 mileage expenses, and/or per diem expenses as may be 1.15/221

5. **Meetings**
 - a. **General or Special Meetings**
General meetings of the EAB shall be held no less frequently than once every 60 days. Special meetings may be called by the Chair of the EAB, or in writing by a majority of the members of the Board. Staff shall provide 24-hour written notice to each EAB member for a special meeting.
- E. **Environmental Control Hearing Board**
 1. **Establishment**
There is hereby established an Environmental Control Hearing Board (ECHB).
 2. **Powers and Duties**
The ECHB has the following powers and duties:
 - a. to conduct hearings into the merits of alleged violations to Sections promulgated under Chapter 77-616, Special Act, Laws of Florida, and PBC Ord. 78-5, as amended; and
 - b. after due public hearing, to reach a decision setting forth such findings of fact and conclusions of law as are required in view of the issues presented. The decision shall contain an order which may be framed in the manner of a writ of injunction requiring the violator to conform to either or both of the following requirements:
 - 1) to refrain from committing, creating, maintaining, or permitting the violations;
 - 2) to take such affirmative action as the ECHB deems necessary and reasonable under the circumstances to correct such violation;
 - 3) to issue orders imposing civil penalties of up to \$500 dollars for each day of violation;
 - 4) to issue subpoenas to command the appearance of any person before a hearing at a specified time and place to be examined as a witness. Such subpoenas may require such person to produce all books, papers and documents in that person's possession or under that person's control, material to such hearings; and
 - 5) to administer oaths to any or all persons who are to testify before the ECHB.
 3. **Qualifications**
The ECHB shall be composed of five members. The membership of the ECHB shall consist of one attorney recommended by the PBC Bar Association; one medical doctor recommended by the PBC Medical Society; one engineer recommended by the PBC chapter of the Florida Engineering Society; and two citizens at large.
 4. **Officers**
 - a. **Secretary**
The Environmental Control Officer shall serve as Secretary of the ECHB.
 - b. **Staff**
The PBCHD shall be the professional staff of the ECHB.
 5. **General or Special Meetings**
General meetings of the ECHB shall be held no less frequently than every 45 days. The ECHB may set the date of future meetings during any meeting. Special meetings may be called by the Chair of the ECHB, or in writing by a majority of the members of the Board. Staff shall provide 24-hour written notice to each ECHB member for a special meeting.
 6. **Term Limits**
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]
- F. **Groundwater and Natural Resources Protection Board**
 1. **Establishment**
There is hereby established a Groundwater and Natural Resource Protection Board (GNRPB).
 2. **Powers and Duties**
The GNRPB shall have the following powers and duties:
 - a. to hold hearings as necessary to enforce Article 14, ENVIRONMENTAL STANDARDS. ERM may refer alleged violations of Art. 14 Environmental Standards, and Art. 4.D, Excavation, Ord. 2003-020, Petroleum Storage Systems, Ord. 2003-021, Petroleum Contamination Clean-up criteria, Ord. 2004-050, Stormwater Pollution and Prevention, Natural Areas, Ord. 1994-014 and Ord. 1993-003, Water and Irrigation Conservation as amended to the GNRPB, if there has been a failure to correct a violation within the time specified by the Code Inspector, if the violation has been repeated, or is of such a nature that it cannot be corrected; [Ord. 2006-004] [Ord. 2010-022]
 - b. to adopt rules of procedure for the conduct of hearings;
 - c. to issue subpoenas compelling the presence of persons at Board hearings. Subpoenas may be served by the PBC Sheriff's Department, or other authorized persons consistent with Florida Law;