

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

BOARD APPOINTMENT SUMMARY

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Meeting Date: **January 10, 2023**

Department: **Florida Department of Health in Palm Beach County**

Submitted by: **Legal Department**

Advisory Board Name: **Environmental Control Hearing Board**

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I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to approve: Appointment of one (1) member to the **Environmental Control Hearing Board** for a term of three (3) years beginning February 11, 2023 to February 10, 2026.

<u>NOMINEE:</u>	<u>SEAT #:</u>	<u>REQUIREMENT:</u>	<u>NOMINATED BY</u>
Toral Hertzberg	5	Engineer	Florida Engineering Society, PBC Chapter

**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) 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. The Board currently consists of 5 members. The current diversity count is: Caucasian: 4 (80%) and Hispanic: 1 (20%). The current gender ratio (female: male) is 1:4. Countywide (HH)

The applicant for appointment to Seat # 5, Toral Hertzberg is an Engineer and recommended by the Florida Engineering Society, PBC Chapter. With this approval, the Board will consist of five members: Three Caucasian males and One Caucasian female and One Asian-American female. The gender ratio (female: male) is 2:3.

**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 of Palm Beach County. Palm Beach County Resolution 92-123 establishes the terms for the members of the Environmental Control Hearing Board.

**Attachments:**

1. Memo including ECHB Member List
2. Board/Committee Application for Toral Hertzberg
3. Resume/Curriculum Vitae of Toral Hertzberg
4. Recommendation Letter-Florida Engineering Society, PBC Chapter
5. Article 2, Unified Land Development Code

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Recommended by:  12/7/22  
Department Director Date

Legal Sufficiency:  12/19/22  
Assistant County Attorney Date



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

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**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 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 violation; (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.

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\* *indicates a member having an action pending*

VI. LIAISON INFORMATION :

<u>LIAISON DEPARTMENT</u>	<u>CONTACT PERSON</u>	<u>ADDRESS</u>
Florida Dept. of Health - Palm Beach C	Liliana Rietwyk	
		Phone # --

\* *indicates a member having an action pending*



ENVIRONMENTAL CONTROL HEARING BOARD

SEAT ID	CURRENT MEMBER	ROLE TYPE	RACE CODE	GENDER	BUSINESS / HOME	SEAT REQUIREMENT	APPOINT DATE	REAPPOINT DATE	EXPIRE DATE
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Appointed By : At-Large/Palm Beach County Board of County Commissioners

1	Gary Betensky gbetensky@daypitney.com Day Pitney, LLP 250 Australian Ave S Ste 1504 West Palm Beach FL 33401	Member	CA	M	954-805-3087	Attorney	02/11/2020		02/10/2023
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NOMINATED BY :Palm Beach County Bar Association

2	David Shulan ragweed@msn.com  12264 Bear River Rd Boynton Beach FL 33473	Member	CA	M	518-852-9387	Medical Doctor/ER Physician	11/20/2018	11/16/2021	11/18/2024
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NOMINATED BY :Palm Beach County Medical Society

3	A Vivian Demille vivian_demille@yahoo.com  2753 Hampton Cir S Delray Beach FL 33444	Member	CA	F	561-762-9622	Resident of Palm Beach County	08/17/2021		01/31/2023
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NOMINATED BY :

4	Douglas H. MacLaughlin douglasmaclaughlin@aol.com  319 Greenwood Dr West Palm Beach FL 33405	Member	CA	M	561-329-4403	Resident of Palm Beach County	01/14/2020		01/31/2023
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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 561-246-7898 Engineer  
terryfl01@yahoo.com

02/04/2014 02/11/2020 02/10/2023

7745 W Lake Dr  
Lake Clarke Shores FL 33406 8741

**NOMINATED BY** : Florida Engineering Society - PBC Chapter

\* indicates a member having an action pending

**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: \_\_\_\_\_ To: \_\_\_\_\_

Seat Requirement: Professional Engineer recommended by Florida Engineering Society, Palm Beach County 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: \_\_\_\_\_**

**Section II (Applicant): (Please Print)**

**APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT**

Name:	<u>Hertzberg</u>	<u>Toral</u>	<u>Shah</u>
	Last	First	Middle
Occupation/Affiliation:	<u>Senior Utility Engineer for the Village of Wellington</u>		
	Owner <input type="checkbox"/>	Employee <input checked="" type="checkbox"/>	Officer <input type="checkbox"/>
Business Name:	<u>Village of Wellington Utilities Department</u>		
Business Address:	<u>12300 Forest Hill Blvd</u>		
City & State	<u>Wellington, FL</u>	Zip Code:	<u>33414</u>
Residence Address:	<u>8890 Raven Rock Ct</u>		
City & State	<u>Boynton Beach, FL</u>	Zip Code:	<u>33473</u>
Home Phone:	<u>( ) _____</u>	Business Phone:	<u>( 561-791-4148 Ext. _____</u>
Cell Phone:	<u>( ) 404-514-9190</u>	Fax:	<u>( ) _____</u>
Email Address:	<u>thertzberg@wellingtonfl.gov</u>		

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 &amp; 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.palmbeachcountyethics.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):

X  By watching the training program on the Web, DVD or VHS on Sept. 19 2022  
     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:  [Signature]  Printed Name: Toral Hertzberg Date: 9/19/22

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](http://www.palmbeachcountyethics.com) or contact us via email at [ethics@palmbeachcountyethics.com](mailto:ethics@palmbeachcountyethics.com) or (561) 355-1915.

Return this FORM to:  
 Liliana Rietwyk, Florida Department of Health Palm Beach County  
 800 Clematis Street, Rm 549, West Palm Beach, FL 33401

**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 02/01/2016

# TORAL SHAH HERTZBERG, P.E.

8890 Raven Rock Court | Boynton Beach, FL 33473 | 404.514.9190 | toralhertzberg@gmail.com

## EXPERIENCE

### **Senior Utility Engineer, Village of Wellington** November 2021 – Present

*Wellington, Florida*

- Serve as project engineer and performs technical engineering tasks in the field and office related to the Village's water treatment plant, potable water distribution system, storage and pumping facilities, raw water system and facilities, wastewater collections system and lift stations, water reclamation facility, and reclaim water system
- Responsible for ensuring effective and efficient coordination of all capital improvement projects and contracts
- Interprets and evaluates engineering compliance with applicable state, county and Village codes, ordinances, resolutions, regulations, standards, specifications, policies and procedures
- Assists in planning, implementing, and administering the Utilities Departments budgets and monitors and ensures adherence to established operating and expenditure parameters
- Meeting with the general public and answers questions; receives and response to public requests for information
- Reviews private development plan, land use plan amendments, zoning petitions, site plan, variance petitions, and various permit applications for compliance with engineering standards.

### **Water Resources Engineer, Kimley-Horn and Associates, Inc.** May 2013 – October 2021

*West Palm Beach, Florida*

- Designed, permitted and provided construction phase services on water treatment plant process components, potable water wells (both Surficial and Floridan Aquifer Source), raw and potable watermain (including horizontal directional drilled and subaqueous mains), sanitary sewer collection systems, pump station, and forcemain projects
- Performed underground utility adjustments for local municipalities in coordination with large scale FDOT projects
- Performed potable water wellfield water quality and performance testing for wellfield condition assessments and analysis
- Prepared various water supply and treatment studies
- Supervised and provided technical and professional development to engineering interns
- Developed annual business plan marketing strategies
- Responsible for the profitability of project managed
- Procured and managed grant funding for alternative water supply projects

## SKILLS & ABILITIES

- Advanced skills in AutoCAD Civil 3D and the Microsoft Office Suite
- Experience with InfoWater and WaterCAD modeling software, Autodesk Revit, and Microsoft Project
- Map creation, analysis, and edit skills in ArcMap GIS

## EDUCATION

### **Florida Atlantic University – Boca Raton, Florida – Bachelors of Science, Civil Engineering**

*Magna Cum Laude* May 2013

Bachelors of Science, Civil Engineering



PROFESSIONAL ORGANIZATIONS

**American Waterworks Association**

Section VI Secretary 2018 – 2019 | Section VI Young Professionals Chair 2013 – 2018 | Member 2013 – present

**American Society of Civil Engineers**

Member 2014 – present

**Florida Engineering Society**

Member 2022 – present

**Junior League**

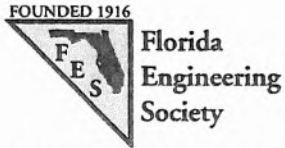
Member 2015 – 2019 Diaper Bank and Member Meeting Logistics Committees

RECOGNITION

**Professional Engineer** License No. 83167

**Kimley-Horn** Outstanding Personal Career Development, 2017

**Kimley-Horn** Outstanding Dedication, 2016



**PALM BEACH  
CHAPTER**

**2022-2023  
Palm Beach Chapter Board  
Letter of Recommendation**

*FES supports engineering education, advocates licensure, promotes the ethical and competent practice of engineering and enhances the image and well-being of all engineers in the state of Florida.*

**September 20, 2022**

**Liliana Rietwyk**

**Clerk**

**PBC Environmental Control Hearing Board**

**RE: Recommendation of Engineer to PBC Environmental Control Hearing Board**

Dear Ms. Rietwyk,

On behalf of the Palm Beach Chapter of the Florida Engineering Society, I would like to nominate Toral Hertzberg, P.E. for the Engineer position (Seat #5) of the Palm Beach County Environmental Control Hearing Board. I have attached a copy of Ms. Toral Hertzberg's resume to this recommendation letter.

Please contact me should you require any additional information at 954-854-9465 or at [mmissena@scalarinc.net](mailto:mmissena@scalarinc.net).

Maria Missena, P.E.  
FES Palm Beach Chapter President  
[mmissena@scalarinc.net](mailto:mmissena@scalarinc.net)  
Cell: (954) 854-9465  
Office: (561) 429- 5065; Ext. 223

**Officers**

**President:** Maria Missena, P.E.  
**Vice President:** Tara Swann, P.E.  
**Secretary:** Bertrand King, E.I.

**Treasurer:** Rick Joseph, P.E.  
**State Director:** David Cowan Jr., P.E.  
**Past President:** Nick Clavelo, P.E.

## Article 2, Chapter 6, Section 3 E

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 Acts, Laws of Florida, and PBC Ord. No. 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 Art. 14, Environmental Standards. ERM may refer alleged violations of Art. 14, Environmental Standards, and applicable Art. 4.B.10, Excavation Uses, Ord. No. 2003-020, Petroleum Storage Systems, Ord. No. 2003-021, Petroleum Contamination Cleanup Criteria, Ord. No. 2004-050, Stormwater Pollution Prevention, Ord. No. 94-13, Natural Areas, and Ord. No. 93-3, 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] [Ord. 2017-007]
    - b. to adopt rules of procedure for the conduct of hearings;