



## Monterey County Board of Supervisors

### Board Order

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1st Floor  
Salinas, CA 93901  
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A motion was made by Supervisor Mary L. Adams, seconded by Supervisor John M. Phillips to:

**Adopt Resolution No.: 21-171; Agreement No. A-15422; Amendment No.: 2**

Designating the use of a Hearing Officer for the Local Enforcement Agency (LEA) through Amendment No. 2 to the agreement with the Mandel Gisnet Center for Conflict Management.

PASSED AND ADOPTED on this 22<sup>nd</sup> day of June 2021, by roll call vote:

AYES: Supervisors Alejo, Phillips, Lopez, Askew and Adams

NOES: None

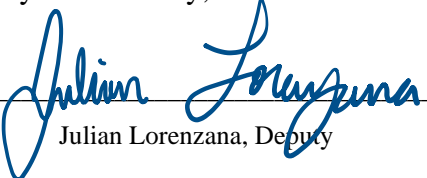
ABSENT: None

(Government Code 54953)

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting June 22, 2021.

Dated: June 30, 2021  
File ID: RES 21-107  
Agenda Item No.: 56

Valerie Ralph, Clerk of the Board of Supervisors  
County of Monterey, State of California

  
Julian Lorenzana, Deputy

***Before the Board of Supervisors in and for the  
County of Monterey, State of California***

**Resolution No.: 21-171**

Resolution designating the use of a Hearing Officer )  
for the Local Enforcement Agency (LEA) by agreement )  
with the Mandel Gisnet Center for Conflict Management, )  
a 501(c)(3), A Division of the Monterey College of Law. )

**WHEREAS**, the Monterey County Health Department Environmental Health Bureau is the designated Local Enforcement Agency (LEA) pursuant to 14 CCR 18051 for the permitting, inspection and enforcement of statues and regulations applicable to solid waste handling and disposal sites in the County and twelve incorporated Cities within the County; and

**WHEREAS**, in accordance with Title 14 CCR Section 18060, the LEA is required to provide a means to hear appeals and grievances submitted by owners, operators or other aggrieved parties; and

**WHEREAS**, the LEA may, from time to time, be involved in proceedings pursuant to its duties as the enforcement agency for the California Department of Resources Recycling and Recovery , which requires that a hearing body be appointed to determine the outcome of petitions or appeals, as set forth in California Public Resources Code (PRC) Sections 44307 *et seq.*; and

**WHEREAS**, in May, 2004, the Board of Supervisors adopted a resolution appointing a three member hearing panel pursuant to Section 44308 of the PRC; and

**WHEREAS**, the PRC has subsequently been amended to require that an appeal be heard within 30 days of filing of a petition, and that a judgment be rendered within 5 days following a hearing; and

**WHEREAS**, the PRC has subsequently been amended to include the use of a Hearing Officer/Administrative Law Judge; and

**WHEREAS**, appointing a hearing officer to conduct appeal hearings would result in a timely and efficient hearing process and eliminate the need to appoint/reappoint a hearing panel every four years due to term limits; and

**WHEREAS**, pursuant to PRC Section 44308(d), the Board of Supervisors may appoint a hearing officer only when it has adopted procedures for making that appointment and had adopted qualifications that the hearing officer is required to meet; and

**WHEREAS**, on December 4, 2018, a hearing officer and hearing officer appointment procedures and hearing officer qualifications were adopted by the Board of Supervisors pursuant to PRC Section 44308(d); and

**WHEREAS**, the Hearing Officer appointment is set to expire on June 30, 2021 and it is the intention to continue the use of a Hearing Officer for the Local Enforcement Agency (LEA); and

**WHEREAS**, Amendment No. 2 to the agreement between the County of Monterey and the Mandel Gisnet Center for Conflict Management, a 501(c)(3), A Division of the Monterey College of Law provides for Hearing Officer/Administrative Law Judge services and meets the qualifications and procedures adopted.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Supervisors of the County of Monterey that the designation of a Hearing Officer for the Local Enforcement Agency (LEA) by Amendment No. 2 to the Agreement with the Mandel Gisnet Center for Conflict Management, a 501(c)(3), A Division of the Monterey College of Law, is hereby adopted.

**PASSED AND ADOPTED** on this 22<sup>nd</sup> day of June 2021, by roll call vote:

AYES: Supervisors Alejo, Phillips, Lopez, Askew and Adams  
NOES: None  
ABSENT: None  
(Government Code 54953)

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting June 22, 2021.

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Julian Lorenzana, Deputy