

Resolution No. 25-169

Adopt a Resolution designating the use of a Hearing Officer)
for the Local Enforcement Agency (LEA) through the)
agreement with Frank Hesse, Attorney-at-Law,)
for a retroactive term of July 1, 2024 to April 30, 2027)
and a total agreement amount of \$30,000.)

WHEREAS, the County of Monterey Health Department Environmental Health Bureau is the designated Local Enforcement Agency (LEA) pursuant to 14 CCR 18051 for the permitting, inspection, and enforcement of statutes 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, and subsequently on June 22, 2021, 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, 2025 and it is

the intention to continue the use of a Hearing Officer for the Local Enforcement Agency (LEA);
and

WHEREAS, the agreement between the County of Monterey and Frank Hespe, Attorney-at-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 the Agreement with Frank Hespe, Attorney-at-Law, is hereby adopted.

PASSED AND ADOPTED on this 20th day of May 2025, by roll call vote:

AYES: Supervisors Alejo, Church, Lopez, Askew, and Daniels

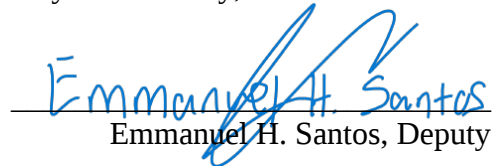
NOES: None

ABSENT: None

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 on May 20, 2025.

Dated: May 27, 2025
File ID: RES 25-074
Agenda Item No. 33

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


Emmanuel H. Santos, Deputy