

Resolution No. _____

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 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, 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 th day of June 2021, upon motion of Supervisor _____, seconded by Supervisor _____, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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 _____, on _____, 2021.

Dated:

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

By _____

, Deputy