## BEFORE THE BOARD OF SUPERVISORS IN AND FOR THE COUNTY OF MONTEREY, STATE OF CALIFORNIA

Resolution No.	
Resolution authorizing the use of a Hearing Officer	)
for the Local Enforcement Agency(LEA) and establishing	)
Hearing Officer Appointment Procedures and Qualifications .	

**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**, the hearing officer appointment procedures and hearing officer qualifications to be adopted by the Board of Supervisors pursuant to PRC Section 44308(d) are attached hereto as Appendixes A and B, respectively;

**NOW, THEREFORE, BE IT RESOLVED** by the Monterey County Board of Supervisors that the hearing officer appointment procedures attached hereto as Appendix A and the hearing officer qualifications attached hereto as Appendix B and the use of a Hearing Officer for the Local Enforcement Agency (LEA) are hereby adopted.

PASSED AND ADOPTED this day of	, 2018 by the following vote, to wit:
AYES: NOES: ABSENT:	
	ervisors of the County of Monterey, State of California, ppy of an original order of said Board of Supervisors of of Minute Book for the meeting on
·	
Dated:	Valerie Ralph, Clerk of the Board of Supervisors County of Monterey, State of California
	By
	, Deputy