

Monterey County Board of Supervisors

168 West Alisal Street, 1st Floor Salinas, CA 93901 831.755.5066

Board Order

Resolution No.: 18-390

Upon motion of Supervisor Phillips, seconded by Supervisor Salinas and carried by those members present, the Board of Supervisors hereby:

Adopted Resolution 18-390:

Authorizing the use of a Hearing Officer for the Local Enforcement Agency (LEA); and Establishing Hearing Officer Procedures and Hearing Officer Qualifications for the Local Enforcement Agency (LEA).

PASSED AND ADOPTED on this 4th day of December 2018, by the following vote, to wit:

AYES:

Supervisors Alejo, Salinas, Phillips, Parker and Adams

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 81 for the meeting December 4, 2018.

Dated: December 4, 2018 File ID: RES 18-164

County of Monterey, State of California

Valerie Ralph, Clerk of the Board of Supervisors

Joel G. Pablo, Deputy

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

Resolution No.: 18-390	
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 on this 4th day of December 2018, by the following vote, to wit:

AYES: Supervisors Alejo, Salinas, Phillips, Parker and Adams

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 81 for the meeting December 4, 2018.

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

> > Joel G. Pablo, Deputy