



Legislation Details (With Board Report)

File #: RES 21-107 **Name:** Resolution Appoint LEA Hearing Officer
Type: BoS Resolution **Status:** Health Department - Consent
File created: 6/9/2021 **In control:** Board of Supervisors
On agenda: 6/22/2021 **Final action:**

Title: Adopt a resolution 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.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Resolution, 3. Amendment No 2, 4. Amendment No 1, 5. Agreement, 6. Completed Board Order and Resolution Item No. 56

Date	Ver.	Action By	Action	Result
6/22/2021	1	Board of Supervisors		

Adopt a resolution 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.

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a resolution: 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.

SUMMARY/DISCUSSION:

The Monterey County Health Department’s Environmental Health Bureau is designated by the State of California, Department of Resources Recycling and Recovery (CalRecycle), formerly known as California Integrated Waste Management Board (CIWMB), as the Local Enforcement Agency (LEA) for Monterey County and the twelve incorporated cities within the County.

Pursuant to Title 14 CCCR Section 18060, the LEA is required to provide a means to hear petitions or appeals and grievances submitted by owners, operators or other aggrieved parties. The LEA is responsible for the permitting, inspection and enforcement of statutes and regulations applicable to solid waste handling and disposal sites in the County and the twelve incorporated Cities within the County.

California Department of Resources Recycling and Recovery (CalRecycle) 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.* This hearing body can either be a three-member hearing panel or it may consist of a Hearing Officer/Administrative Law Judge. A Hearing Officer/Administrative Law Judge provides a more readily available option to meet the appeal timeline requirements. In May, 2004, the Board of Supervisors adopted a resolution appointing a three-member hearing panel. On December 4, 2018, the Board of Supervisors adopted a resolution appointing a Hearing Officer/Administrative Law Judge and establishing Hearing Officer Procedures and Hearing Officer Qualifications for the Local Enforcement Agency (LEA). The appointment of the Hearing Officer/Administrative Law Judge is set to expire on June 30, 2021. There have been no changes to the adopted procedures and qualifications; adoption of a resolution to designate the use of a Hearing Officer through Amendment No. 2 to the agreement with the Mandel Gisnet Center for Conflict Management a Hearing Officer/Administrative Law Judge is requested.

The Environmental Health Bureau has an Agreement with the Mandel Gisnet Center for Conflict Management for administrative law judge services for administrative hearings related to EHB. Amendment No. 2 to this Agreement includes the adopted procedures and qualifications for Hearing Officer/Administrative Law Judge as defined by CalRecycle.

This work supports the Monterey County Health Department 2018-2022 Strategic Plan Initiative: 1. Empower the community to improve health. It also supports two of the ten essential public health services, specifically: 5. Develop policies and plans that support individual and community health efforts; 6. Enforce laws and regulations that protect health and ensure safety.

OTHER AGENCY INVOLVEMENT:

Cal Recycle has been consulted regarding LEA staff's recommendation to reappoint a Hearing Officer/Administrative Law Judge.

FINANCING:

There is no impact to the General Fund resulting from this Board Action. Services are fully funded through the Health-Environmental Health FY 2021-22 Recommended budgeted.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Check the related Board of Supervisors Strategic Initiatives:

Economic Development:

- Through collaboration, strengthen economic development to ensure a diversified and healthy economy.

Administration:

- Promote an organization that practices efficient and effective resource management and is recognized for responsiveness, strong customer orientation, accountability and transparency.

Health & Human Services:

- Improve health and quality of life through County supported policies, programs, and services; promoting access to equitable opportunities for healthy choices and healthy environments in collaboration with communities.

Infrastructure:

- Plan and develop a sustainable, physical infrastructure that improves the quality of life for County residents and supports economic development results.

Public Safety:

- Create a safe environment for people to achieve their potential, leading businesses and communities to thrive and grow by reducing violent crimes as well as crimes in general.

Prepared by: Robin Kimball, Management Analyst II, 796-1297

Approved by:

Date: _____

Elsa Mendoza Jimenez, Director of Health, 755-4526

Attachments:

Resolution
Amendment No 2
Amendment No 1
Agreement