



County of Monterey

Item No.

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: RES 25-074

May 20, 2025

Introduced: 5/8/2025

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Resolution

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

RECOMMENDATION:

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

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

SUMMARY/DISCUSSION:

The County of Monterey 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, and subsequently June 22, 2021, the Board of Supervisors adopted resolutions 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, 2025. There have been no changes to the adopted procedures and qualifications; adoption of a resolution to designate the use of a Hearing Officer through the agreement with Frank Hespe, Attorney-at-Law for Hearing Officer/Administrative Law Judge is requested.

The Environmental Health Bureau has contracted with Frank Hespe, Attorney-at-Law for administrative law judge services for administrative hearings related to EHB. This Agreement includes the adopted procedures and qualifications for Hearing Officer/Administrative Law Judge as defined by CalRecycle.

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 from execution of this Agreement. There are sufficient appropriations in the Environmental Health Bureau's Fiscal Year (FY) 2025-26 Requested Budget. (4000-HEA005).

This work supports the County of Monterey Health Department 2025-2028 Strategic Plan Goal(s): (1), to empower the community to improve health and it also supports two of the ten essential public health services, specifically, (5) to develop policies and plans that support individual and community health efforts and (6) to enforce laws and regulations that protect health and ensure safety.

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.

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Attachments:

Board Report

Resolution

Frank Hespe Agreement

