

RESOLUTION NO. .

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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RESOLUTION AUTHORIZING THE CALIFORNIA STATE OFFICE OF ADMINISTRATIVE HEARINGS, OR ITS DESIGNEE, TO ACT AS HEARING OFFICERS AND ADOPT HEARING OFFICER APPOINTMENT PROCEDURES AND QUALIFICATIONS FOR THE SOLID WASTE MANAGEMENT PROGRAM

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, the San Mateo County Environmental Health Services is the designated Local Enforcement Agency (LEA) for the permitting, inspection and enforcement of statutes and regulations applicable to solid waste handling and disposal sites in the unincorporated County and the Cities within the County; and

WHEREAS, in accordance with Section 18060 of Title 14 of the California Code of Regulations, 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 (CalRecycle), 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) Section 44307, *et seq*; and

WHEREAS, in 2009, the Board of Supervisors adopted a resolution appointing

an Independent Hearing Panel to serve as the aforementioned 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 existing Independent Hearing Panel membership has reached their term limits; and

WHEREAS, appointing a hearing officer to conduct appeal hearings would result in a timely and efficient hearing process and eliminate the need for the Independent Hearing Panel to hear this type of appeal; and

WHEREAS, the California State Office of Administrative Hearings, or its designees, possesses the necessary qualifications to serve as the hearing officer and serve in this capacity for other LEAs; 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 has 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 Exhibits A, B, and C respectively; and

NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that the Board of Supervisors adopt the hearing officer appointment procedures attached hereto as Appendix A and the hearing officer qualifications attached hereto as Exhibit B.

BE IT FURTHER RESOLVED that the California State Office of Administrative Hearings, or its designee, is authorized to act as the hearing officer for the LEA.

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