



Board Agenda Item 48

DATE: December 12, 2023

TO: Board of Supervisors

SUBMITTED BY: David Luchini, RN, PHN, Director, Department of Public Health

SUBJECT: Adopt Resolution to Appoint a Solid Waste Independent Hearing Officer

RECOMMENDED ACTION(S):

Adopt a Resolution to appoint a Solid Waste Independent Hearing Officer to maintain the County's Local Enforcement Agency designation through the California Department of Resources, Recycling and Recovery, effective upon execution, not to exceed four consecutive years, through December 11, 2027.

Approval of the recommended action will allow the County's Local Enforcement Agency (LEA) to operate as required pursuant to California Public Resources Code, Sections 43200-43222 and Title 14 of the California Code of Regulations, Section 18051 by appointing a solid waste independent hearing officer (hearing officer). This item is countywide.

ALTERNATIVE ACTION(S):

There are no viable alternative actions. Should your Board not approve the recommended action, the California Department of Resources, Recycling and Recovery (CalRecycle) may withdraw the County's LEA designation, resulting in the loss of local control for inspection and enforcement activities at solid waste facilities within the County.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. Sufficient appropriations are included in the Department's Org 5620 FY 2023-24 Adopted Budget and will be included in future budget requests for the term's duration.

DISCUSSION:

Pursuant to Title 14 of the California Code of Regulations, Section 18081(e)(2) and the California Public Resources Code, Section 44308(d), LEAs are required to maintain the appointment of a hearing officer for enforcement and appeals purposes. California Public Resources Code, Section 44308 authorizes your Board to appoint a hearing officer, who will hear and render decisions in disputes regarding enforcement actions, permit conditions, and administrative civil penalties issues by the LEA. Additionally, on August 11, 2015, your Board approved the Solid Waste Independent Hearing Officer for the County of Fresno Procedure Manual (manual), further memorializing your Board's authority to appoint a hearing officer.

When the previous hearing officer vacated the appointment in August 2023, the Department solicited volunteers to fulfill the role. Mario Reeves, Assistant Agricultural Commissioner/Sealer with the County's Department of Agriculture and Weights and Measures, agreed to serve as the hearing officer and meets all

the minimum qualifications established in the manual.

REFERENCE MATERIAL:

BAI #55, August 11, 2015

BAI #9a, June 14, 1977

ATTACHMENTS INCLUDED AND/OR ON FILE:

Resolution

CAO ANALYST:

Ron Alexander