



## **RESOLUTION No. \_\_\_\_\_**

### **OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA**

#### **RESOLUTION REPEALING THE ESTABLISHMENT OF A HEARING OFFICER AND APPROVING PROCEDURES CONCERNING LOCAL ENFORCEMENT AGENCY HEARING OFFICER AGREEMENT FOR PROFESSIONAL SERVICES FOR APPEALS ARISING FROM THE ACTIONS OF THE SOLID WASTE LOCAL ENFORCEMENT AGENCY**

WHEREAS, on March 10, 1992, the County of Nevada Board of Supervisors adopted Resolution 92-140 designating the County of Nevada Department of Environmental Health as the Local Enforcement Agency (LEA) for permitting, inspection and enforcement of solid waste handling and disposal sites under the California Public Resources Code (PRC); and

WHEREAS, on March 10, 1992, the County of Nevada Board of Supervisors adopted Resolution 92-139 which establishes an Independent Hearing Panel for LEA Appeals; and

WHEREAS, on August 10, 2010, the County of Nevada Board of Supervisors adopted Resolution 10-413 which repealed Resolution 92-139 and reestablished an Independent Hearing Panel for LEA Appeals; and

WHEREAS PRC 44308 authorizes the County of Nevada Board of Supervisors to appoint a Hearing Officer to hear LEA Appeals if it also adopts procedures for making the appointment and adopts qualifications that the Hearing Officer is required to meet; and

WHEREAS, on July 8, 2014, the County of Nevada Board of Supervisors adopted a Resolution 14-454 to replace the Independent Hearing Panel with a Hearing Officer and to designate procedures for the appointed adjudicatory hearings by such Hearing Officer; and

WHEREAS procedures for appointment of Hearing Officers for petitions related to LEA proceedings are prepared and have been approved by CalRecycle (Exhibit A); and procedures for conducting hearings in accordance with applicable sections of the California Public Resources Code are prepared and approved by CalRecycle (Exhibit B); and

WHEREAS the California Association of Environmental Health Administrators (CAEHA) provides professional services by contracting with individuals that demonstrate the experience and familiarity with the current law in the state of California concerning solid waste issues; and

WHEREAS, the County of Nevada Department of Environmental Health as the Local Enforcement Agency has entered into an agreement with CAEHA for CAEHA to provide professional hearing officers to preside over administrative hearings regarding solid waste permitting, inspection, and enforcement.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the County of Nevada Board of Supervisors hereby repeals Resolution 14-344, eliminating the position of a Hearing Officer for LEA.

BE IT FURTHER resolved that the Board hereby establishes the Hearing Officer process for the appeals of LEA activities as set forth in Exhibit A, and adopts the procedures for conducting hearings as set forth in Exhibit B.

