

# PROCEDURES AND QUALIFICATIONS FOR APPOINTMENT OF HEARING OFFICERS FOR HEARINGS ON MATTERS RELATED TO LOCAL ENFORCEMENT AGENCY PROCEEDINGS

AS ADOPTED BY THE SONOMA COUNTY BOARD OF SUPERVISORS

~~DATE REVISIED: November 13, 2018~~ October 8, 2019

1. Pursuant to the provisions of the California Public Resources Code (PRC) concerning activities of the Local Enforcement Agency (LEA), including but not limited to those provisions set forth in PRC Sections 44308, et seq., the Sonoma County Clerk of the Board of Supervisors shall determine, consistent with the requirements set forth below, a proposed hearing officer, whose qualifications shall be set forth and presented to the Board of Supervisors for consideration of appointment as a hearing officer.
2. A hearing officer approved by the Board of Supervisors shall conduct all proceedings in accordance with the applicable provisions set forth in the California Public Resources Code.
3. For consideration as a hearing officer in the above-described role, a person shall be licensed as a member of the State Bar of California for a minimum of eight years prior to appointment. The hearing officer may not have a conflict of interest, shall be independent of the "operating unit" as defined in Title 14, section 18011(a)(17) of the California Code of Regulations, and shall have appropriate legal, administrative or technical abilities in areas related to solid waste management and/or administrative law. Preference will be given to those with solid waste experience.
4. For consideration as a hearing officer, a person shall demonstrate experience and familiarity with the current law in the state of California concerning solid waste issues, and/or demonstrate experience in administrative law. Preference will be given to those with solid waste experience.
5. For consideration as a hearing officer, a person shall demonstrate to the satisfaction of the Clerk of the Board or his/her designee that the person possesses a judicial demeanor consistent with the impartial conduct of any proceedings.
6. The Board of Supervisors shall consider and take action on the recommendation received from the Clerk of the Board. Any such appointment shall be effective for two years unless earlier terminated by either party with 30 days' notice.
7. Additional hearing officers may be appointed who may serve on a rotational basis.
8. -The County may utilize one or more appointed hearing officers, administrative law judges provided by the California State Office of Administrative Hearings, and/or an appropriately qualified staff person of another California County or local agency to act as hearing officers. ~~Hearing officers appointed by the County shall be paid at the hourly rate established by the California State Office of Administrative Hearings for administrative law judges who are available to local agencies to hear administrative hearings, or other negotiated rate necessary to retain a qualified hearing officer. If no County appointed hearing officer is available to conduct a hearing, the County may retain the services of an administrative law judge through the California State Office of Administrative Hearings on a case-by-case basis, as necessary, at the rate set by the State of California. In lieu of retaining an administrative law judge from the California State Office of Administrative Hearings the County may alternatively elect to retain, on a case-by-case basis, an appropriately qualified staff person of another California county or local agency to serve as a hearing officer.~~