

RESOLUTION NUMBER R- 310050

DATE OF FINAL PASSAGE NOV 20 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DISSOLVING THE SOLID WASTE LOCAL ENFORCEMENT AGENCY HEARING PANEL AND ADOPTING THE SOLID WASTE LOCAL ENFORCEMENT AGENCY PROCEDURES MANUAL, INCLUDING QUALIFICATIONS AND PROCEDURES FOR APPOINTMENT OF INDEPENDENT HEARING OFFICER FOR SOLID WASTE LOCAL ENFORCEMENT AGENCY HEARINGS.

WHEREAS, the City of San Diego was designated its own solid waste Local Enforcement Agency (LEA) by the California Integrated Waste Management Board (CIWMB) on November 19, 1997; and

WHEREAS, on May 4, 1998, the San Diego City Council (City Council) adopted San Diego Resolution R-290036, authorizing the establishment of the LEA and the LEA Independent Hearing Panel; and

WHEREAS, California Public Resources Code (Public Resources Code) section 44308 alternatively authorizes the City to provide for independent hearing officers for LEA administrative hearings if it adopts procedures and qualifications for hearing officer appointment; and

WHEREAS, due to difficulties in maintaining an established and qualified independent hearing panel, the Development Services Director recommends the City Council adopt the permissible alternative and use independent hearing officers on LEA hearings;

WHEREAS, on October 7, 2015, the City Council Committee on the Environment considered and voted to recommend City Council approval of the recommended action; and

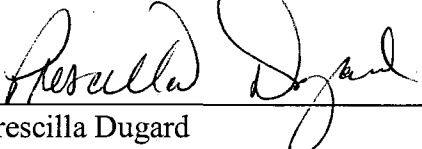
WHEREAS, procedures for appointment of hearing officers for petitions related to LEA proceedings are prepared and have been approved by CalRecycle (the successor to the CIWMB);
NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, as follows:

1. The LEA independent hearing panel established pursuant to San Diego Resolution R-290036 (May 4, 1998), is hereby disbanded.
2. The City Council authorizes the Development Services Director or his designee to appoint independent hearing officers as provided in Public Resources Code section 44308(d) in accordance with the qualifications and procedures for appointment provided in the City of San Diego Solid Waste Local Enforcement Agency Administrative Hearing Procedures, as part of the City's LEA Enforcement Program Plan.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

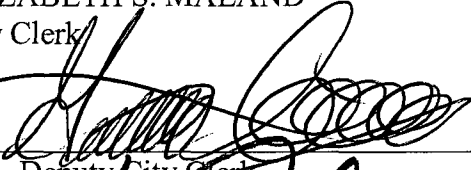


Prescilla Dugard
Chief Deputy City Attorney

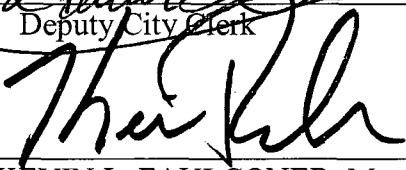
PMD:ccm
10/14/2015 COR. COPY 2
10/07/2015
Or.Dept:DSD
Doc. No.: 990462_3

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 03 2015.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 11/19/15
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on NOV 03 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 20 2015

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

(Seal)

By  Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 310050