



Agenda Date: 5/10/2005  
Agenda Placement: 8D  
Set Time: 10:00 AM  
Estimated Report Time: 10 Minutes

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Susan Ingalls for Robert Westmeyer - County Counsel  
County Counsel  
**REPORT BY:** Susan Ingalls, Paralegal, 259-8152  
**SUBJECT:** Second reading and adoption of an Ordinance adding Chapter 1.30 and adoption of a Resolution approving and authorizing Indemnification Agreements

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### RECOMMENDATION

County Counsel requests the following:

1. Second reading and adoption of an ordinance adding a new Chapter 1.30 to Title 1 of the Napa County Code Providing for the Indemnification of the County for Land Use Approvals.  
**ENVIRONMENTAL DETERMINATION:** The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.
2. Adoption of a resolution establishing the form of the Indemnification Agreement to be executed by applicants as a condition of accepting and processing applications for discretionary land use approvals.

### EXECUTIVE SUMMARY

The adoption of an Ordinance adding Chapter 1.30 to the Napa County Code will provide for the indemnification of the County for land use approvals. Upon adoption of the Ordinance, adoption of a resolution establishing the form of the Indemnification Agreement to be executed by the applicants for discretionary land use approvals is also recommended.

### FISCAL IMPACT

Is there a Fiscal Impact?            No

### ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

### **BACKGROUND AND DISCUSSION**

On April 19, 2005, the Board considered the proposed first reading and intention to adopt the ordinance, listened to public comment, and then postponed the first reading and intention to adopt the ordinance to May 3, 2005 without actually introducing the ordinance. On May 3, 2005, the Board introduced the ordinance, listened to public comment, read the title, waived reading the balance of the ordinance, and then declared its intention to adopt the ordinance on May 10, 2005. County Counsel recommends adoption of the Ordinance adding Chapter 1.30 to the County Code.

Pursuant to the new Chapter 1.30 of the Napa County Code, the County will require applicants for discretionary land use approvals to execute indemnification agreements as a condition of accepting and processing applications by the County. The resolution if adopted will establish the form of the indemnification agreement. County Counsel recommends adoption of the Resolution.

### **SUPPORTING DOCUMENTS**

- A . Final Ordinance
- B . Resolution approving Indemnification Agreement

CEO Recommendation: Approve

Reviewed By: Lorenzo Zíalcita